



# भारत का राजपत्र The Gazette of India

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सं. 47]

नई दिल्ली, शनिवार, नवम्बर 25, 1995/अग्रहायण 4, 1917

No. 47]

NEW DELHI, SATURDAY, NOVEMBER 25, 1995/AGRAHYANA 4, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ

Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

गृह मंत्रालय  
(पुनर्वास प्रभाग)

नई दिल्ली, 20 अक्टूबर, 1995

का.आ. 3063.—गृह मंत्रालय (पुनर्वास प्रभाग)  
की दिनांक 1/21 सितम्बर, 1994 की अधिसूचना सं. 1  
(3)/94-बन्दोबस्त के अधिकरण में तथा भारत के राजपत्र  
के भाग II, खण्ड 3, उप-खण्ड (ii) में प्रकाशित गृह मंत्रालय  
की दिनांक 4 सितम्बर, 1995 की अधिसूचना संख्या 1(3)/  
94-बन्दोबस्त के आशोधन में इस मंत्रालय में भूतपूर्व डेस्क  
अधिकारी, श्री डी. पी. भारद्वाज 6-10-95 से सम्पदा अधि-  
कारी नहीं रहे हैं।

[सं. 1(3)/94-बन्दोबस्त]  
पी. के. शर्मा, निदेशक

MINISTRY OF HOME AFFAIRS  
(Rehabilitation Division)

New Delhi, the 20th October, 1995

S.O. 3063.—In pursuance of Ministry of Home Affairs  
(Rehabilitation Division's) Notification No. 1 (3)/94-Settle-  
ment dated 1/21 September, 1994 and in modification of  
Ministry of Home Affairs Notification No. 1(3)/94-Settlement

2693 GI/95—1

dated 4th September, 1995 published in Gazette of India  
Part II Section 3 Sub-section (ii). Shri D. P. Bhardwaj a  
former Desk Officer in this Ministry has ceased to be Estate  
Officer, w.e.f. 6-10-95.

[No. 1(3)/94-Settlement]  
P. K. SHARMA, Director

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 3064.—केन्द्रीय सरकार, सरकारी स्थान  
(अप्राधिकृत अधिभोगियों को बेदखली) अधिनियम, 1971  
(1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग  
करते हुए श्री बी. पी. खुराना, सहायक निदेशक, आसूचना  
ब्यूरो, नई दिल्ली को जो सरकार के राजपत्रिय अधिकारी हैं,  
श्री एम. एम. एन. मूर्ती के स्थान पर उक्त अधिनियम के  
प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है और  
निदेश देती है कि उक्त अधिकारी निदेशक, आसूचना ब्यूरो,  
नई दिल्ली के निर्वहणाधीन सभी सरकारी वास सुविधा के  
सम्बन्ध में, उक्त अधिनियम के द्वारा या उसके अधीन सम्पदा

श्रीधरजी का प्रदत्त शक्तियों का प्रयोग करेगा और कार्यवाही  
कार्यवाही का प्रारंभ करेगा ।

[सं. म/सी-2/95(1) एक. पी. 5--7146]

विजय मेठी, डेस्क अधिकारी  
(एक. पी. 5)

New Delhi, the 31st October, 1995

S.O. 3064.--In exercise of the powers conferred by Section 3  
of the Public Premises (Eviction of Unauthorised Occupants)

[No. 6/C-II/95(J) FP.V 7146]

V. K. SETHI, Desk Officer (FP.V)

कामिष्, लोक शिकायत तथा पेंशन मंत्रालय  
(कामिष्, और प्रशिक्षण विभाग)

नई दिल्ली, 8 नवम्बर, 1995

का. आ. 3065--केन्द्रीय सरकार एतद्वारा आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं. 28) की धारा 1 की उपधारा (4) के माध्यम से धारा 13 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री यू. डी. निकम, एडवोकेट जलगांव, महाराष्ट्र, श्री जे. आर. मदान, एडवोकेट, 603, महेश्वरी भवन, धोबी तलाब जे. जंकर रोड, बम्बई और श्री के. एस. शेठे, एडवोकेट, 10, जेताबाई निवास, डी.एल. वैद्य रोड, दादर को संलग्न अनुसूची में उल्लिखित अपराधों अथवा बम्बई शहर और बम्बई उप नगरीय जिलों, जिला रायगढ़ और जिला ठाणे, में किए गए ऐसे ही मामलों के निवारण के लिए उक्त अधिनियम की धारा 9 के अंतर्गत गठित नामनिर्दिष्ट न्यायालय, बम्बई में पूर्वोक्त अनुसूची में उल्लिखित मामलों और बम्बई शहर तथा उसके उप-नगरों में 12 मार्च, 93 को हुए बम-विस्फोटों से उद्भूत ऐसे ही क्षेत्रों में ऐसे ही मामलों से उत्पन्न मापला सं. आर सी-1 (एम)/93-सी श्री आई, एम टी एक बम्बई (कोर्ट केस सं. बी बी सी-1 ऑफ 93) तथा उक्त अधिनियम के अधीन उससे संबंधित अथवा अनुषंगिक अन्य मामलों के संचालन के लिए केन्द्रीय अन्वेषण द्यूरो के विशेष लोक अभियोक्ता के रूप में नियुक्त करती है ।

अनुसूची

क्रम सं.	स्थान	पुलिस स्टेशन तथा सी. आर. सं.	डी सी बी सी आर सं.
1	2	3	4
1. स्टॉक एक्सचेंज		एम. आर. ए. मार्ग, 129/93	70/93
2. कथा बाजार		पैथोनी, 195/93	73/93
3. सेना भवन		दादर, 186/93	118/93
4. सेंचुरी बाजार		दादर, 187/93	117/93
5. महिम काँजवे		महिम, 185/93	110/93
6. एयर-हॉटेल		कुफे परेड, 126/93	71/93
7. जावेरी बाजार (एक्सप्लोडिड स्कटर)		एल. टी. मार्ग, 122/93	75/93
8. सी-राफ़ होटल		बांद्रा, 148/93	114/93
9. एताजा सिनेमा		महिम, 184/93	109/93
10. जुहू सैलुन होटल		मांताकूज, 155/93	116/93
11. एयरपोर्ट बे 54 (थ्रोइंग एच. जी.)		महारा, 200/93	108/93
12. सेतूर होटल (एयरपोर्ट)		एयरपोर्ट, 19/93	115/93
13. बर्ली		बर्ली एल ए सी 389/93	112/93
14. नैगॉम सी आर एस रोड (ग्रन-एक्सप्लोडिड स्कटर)		मैटुंगा 251/93	72/93

1	2	3	4
15.	धनजी स्ट्रीट एंड जावेरी बाजार (2 अन-रेकम्प्लाइड स्कटर)	एल.टी. मार्ग, 124/93	111/93
16.	म्हमला	म्हमला, 6/93	132/93
17.	श्रीवर्धन	श्रीवर्धन, 14/93	133/93
18.	गोरेगांव	गोरेगांव, 17/93	134/93
19.	ठाणे	कपुरवाडी, 14/93	135/93
20.	एस. के. मैदान स्ट्रीट	एल.टी. मार्ग, 138/93	77/93
21.	ईस्टर्न साईड लवोरेटोरी ऑफ मुसाफिरखाना, बम्बई		एल.ए.सी. 15/93
22.	नरिया बाडी, मुस्लिम सीमेंट्री, महमगांव		एल.ए.सी. 16/93
23.	पिकनिक गैस्ट हाऊस, नियर लीडो बियेटर, मांताकृज (वैस्ट)		एल.ए.सी. 20/93
24.	58, नरगिस दल रोड, पाली हिल्स, बांद्रा (वैस्ट), बम्बई-50.		एल.ए.सी. 21/93
25.	बोना पार्ट इंडस्ट्रीज, घनश्याम इंडस्ट्रीज ऐस्टेट, बीरा देसाई रोड, अंधेरी।		एल.ए.सी. 23/93
26.	खालीजावी चॉल, आर.नं. 1, सोनापुर लेन, कुर्ली (वैस्ट)	कुर्ली एल.ए.सी., 707/93	एल.ए.सी. 32/93
27.	ड्रीमलैंड कोऑपरेटिव हाऊसिंग सोसाइटी, मिल्ट्री रोड, मारोल, बम्बई।		एल.ए.सी. 22/93

[सं. 225/31/95-ए ची डी-II]

एम. सौंदर राजन, ग्रवर मंत्रि

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 8th November, 1995

S.O. 3065:—In exercise of the powers conferred by sub-section (1) of section 13 read with sub-section (4) of section 1 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act No. 28 of 1987), the Central Government hereby appoint Shri U.D. Nikam, Advocate Jalgaon, Maharashtra, Shri J.R. Madou, Advocate 603. Maheshwari Bhavan, Dhobi Talav, J Sankar Road, Bombay and Shri K.S. State Advocate, 10, Janabai Niwas, D L. Vaidya Road, Dadar, as Special Public Prosecutors of Central Bureau of Investigation for conducting prosecution of the case No. R.C.1(S)/93/CBI/STF, Bombay (Court Case No. BBC 1 to 93) arising of the cases mentioned in the Schedule appended hereto, and such cases in such areas as may arise out of and connected with Bomb blasts which occurred on 12th March, 1993 at Bombay City and suburbs, and other matters connected therewith or incidental thereto under the said Act in the Designated Court at Bombay, constituted under Section 9 of the said Act to try offences or such cases committed at Bombay city and Bombay suburban Districts Raigad District and Thane District as mentioned in the said Schedule, and to try such cases in such areas as may arise out of and connected with aforesaid Bomb Blasts.

## SCHEDULE

Sl. No.	Place	Police Station and CR No.	DCB Cr No.
1.	Stock Exchange	M. R. A. Marg. 129/93	70/93
2.	Katha Bazar	Pydhonie, 195/93	73/93
3.	Sena Bhavan	Dadar, 186/93	118/93
4.	Century Bazar	Dadar, 187/93	117/93
5.	Mahim Causeway	Mahim, 185/93	110/93
6.	Air-India	Cuffe Parade, 126/93	71/93
7.	Zaveri Bazar (exploded Scooter)	LT Marg. 122/93	75/93
8.	Sea-Rock Hotel	Bandra, 148/93	114/93
9.	Plaza Cinema	Mahim, 184/93	109/93
10.	Juhu Cantaur Hotel	Santacruz, 155/93	116/93
11.	Airport Bay 54 (Throwing H.G.)	Sahar, 200/93	108/93
12.	Centaur Hotel (Airport)	Airport, 19/93	115/93
13.	Worli	Worli, LAC 389/93	112/93
14.	Naigaum CRS Rd. (unexpl. Scooter)	Matunga, 251/93	72/93
15.	Dhanji ST & Zavari Bazar (2 Unexploded Scooter)	L.T. Marg. 124/93	111/93
16.	Mhasla	Mhasla, 6/93	132/93
17.	Srivardhan	Srivardhan, 14/93	133/93
18.	Goregaon	Goregaon, 17/93	134/93
19.	Thana	Kapurbawdi, 14/93	135/93
20.	S.K. Memon Street	L.T. Marg 138/93	77/93
21.	Eastern Side Lavatory of Musaffir Khana, Bombay	LAC	15/93
22.	Nariya Wadi, Muslim Cementary, Mazagaon.	LAC	18/93
23.	Picnic Guest House Near Lido Theatre, Santacruz (W).	LAC	20/93
24.	58, Nargis Dutta Rd. Pali Hill, Bandra (W) Bombay-50.	LAC	21/93
25.	Bona Parts Ind. Ghanshyam IndL Est. Vira Desai Rd. Andheri	LAC	23/93
26.	Khatijabi Chawl R No. 1, Sonapur Lane Kurla (W)	Kurla LAC 707/93	32/93
27.	Dicamland Co. Of. Hsg. Sct. Military Rd. Marol Bombay.	LAC	22/93

[No. 225/31/95—AVD.-II]

S SUNDAR RAJAN, Under Secy.

वित्त मंत्रालय  
(आर्थिक कार्य विभाग)  
(बैंकिंग प्रभाग)

नई दिल्ली, 3 नवम्बर, 1995

का.आ. 3066.—भारतीय स्टेट बैंक (अनुपंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उप धारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खण्ड (ग क) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा स्टेट बैंक ऑफ पटियाला सेक्टर 17 (सी) शाखा, चण्डीगढ़ में प्रधान ग्रेफिटिया श्री देविन्दर सिंह जो दिनांक 3 नवम्बर, 1995 से 2 नवम्बर, 1998 तक तीन वर्ष की अवधि के लिए या उनके बैंक ऑफ पटियाला में कर्मचारी रहने तक, जो भी पहले हो, स्टेट बैंक ऑफ पटियाला के निदेशक बोर्ड में निदेशक के रूप में नियुक्ति करती है।

[संख्या 15/3/95-आई.आर.]

एस. के. बतरा, अवर सचिव

MINISTRY OF FINANCE  
(Department of Economic Affairs)  
(Banking Division)

New Delhi, the 3rd November, 1995

S.O. 3066.—In pursuance of clause (ca) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government hereby appointed Shri Devinder Singh, Head Cashier, State Bank of Patiala, Sector 17(c) Branch, Chandigarh as a Director on the Board of State Bank of Patiala for a period of three years with effect from 3rd November, 1995 to 2nd November, 1998 of until he ceases to be an employee of State Bank of Patiala whichever is earlier.

[F. No. 15/3/95-IR]

S. K. BATRA, Under Secy.

नई दिल्ली, 3 नवम्बर, 1995

का. आ. 3067.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से, 31 मार्च, 1998 तक, आगरा जिला सहकारी बैंक लि., आगरा पर लागू नहीं होंगे।

[सं. 1(10)/95-ए सी]

बी. ए. नारायणन, अवर सचिव

New Delhi, the 3rd November, 1995

S.O. 3067.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Agra District Cooperative Bank Ltd. Agra from the date of publication of this notification in the Official Gazette to 31st March, 1998.

[F. No. 1(10)/95-AC]

B. A. NARAYANAN, Under Secy.

नई दिल्ली, 3 नवम्बर, 1995

का.आ. 3068.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा

53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से, 31 मार्च, 1998 तक, उदयपुर सेंट्रल सहकारी बैंक लि., उदयपुर, (राजस्थान) पर लागू नहीं होंगे।

[सं. 1(17)/95-ए सी]

बी. ए. नारायणन अवर सचिव

New Delhi, the 3rd November, 1995

S.O. 3068.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Udaipur Central Co-operative Bank Ltd., Udaipur, (Rajasthan) from the date of publication of this notification in the Official Gazette to 31 March, 1998.

[F. No. 1(17)/95-AC]

B. A. NARAYANAN, Under Secy.

नई दिल्ली, 3 नवम्बर, 1995

का.आ. 3069.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से, 31 मार्च, 1997 तक, खुर्दा सेंट्रल सहकारी बैंक लि., खुर्दा (उड़ीसा) पर लागू नहीं होंगे।

[सं. 1(20)/95-ए सी]

बी. ए. नारायणन, अवर सचिव

New Delhi, the 3rd November, 1995

S.O. 3069.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-section 1 of Section 11 of the said Act shall not apply to the Khurda Central Coop. Bank Ltd., Khurda (Orissa) from the date of publication of the notification in the Official Gazette to 31 March, 1997.

[F. No. 1(20)/95-AC]

B. A. NARAYANAN, Under Secy.

नई दिल्ली, 3 नवम्बर, 1995

का.आ. 3070.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से, 31 मार्च 1998 तक, जिला सहकारी बैंक लि., जौनपुर (उत्तर प्रदेश) पर लागू नहीं होंगे।

[सं. 1/23/95-ए सी]

बी. ए. नारायणन, अवर सचिव

New Delhi, the 3rd November, 1995

नई दिल्ली, 3 नवम्बर, 1995

S.O. 3070.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-section 1 of Section 11 of the said Act shall not apply to the Zila Sahakari Bank Ltd., Jaunpur (Uttar Pradesh) from the date of publication of the notification in the Official Gazette to 31 March, 1998.

[F. No. 1(23)/95-AC]

B. A. NARAYANAN, Under Secy.

नई दिल्ली, 3 नवम्बर, 1995

का.आ. 3071 —बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1998 तक, कटक सेंट्रल सहकारी बैंक लि., कटक (उड़ीसा) पर लागू नहीं होंगे।

[सं. 1(24)/95-ए सी]

बी. ए. नारायणन, अवर सचिव

New Delhi, the 3rd November, 1995

S.O. 3071.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Cuttack Central Cooperative Bank Ltd., Cuttack (Orissa) from the date of publication of this notification in the Official Gazette to 31st March, 1998.

[F. No. 1(24)/95-AC]

B. A. NARAYANAN, Under Secy.

नई दिल्ली, 3 नवम्बर, 1995

का.आ. 3072.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से, 31 मार्च, 1997 तक, मयूरभंज सेंट्रल सहकारी बैंक लि., बारीपदा (उड़ीसा) पर लागू नहीं होंगे।

[सं. 1/19/95-ए सी]

बी. ए. नारायणन, अवर सचिव

New Delhi, the 3rd November, 1995

S.O. 3072.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Mayurbhanj Central Cooperative Bank Ltd., Baripada (Orissa) from the date of publication of this notification in the Official Gazette to 31st March, 1997.

[F. No. 1(19)/95-AC]

B. A. NARAYANAN, Under Secy.

का. आ. 3073 —बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से, 31 मार्च, 1998 तक, रायबरेली जिला सहकारी बैंक लि., रायबरेली (उत्तर प्रदेश) पर लागू नहीं होंगे।

[सं. 1(25)/95-ए सी]

बी. ए. नारायणन, अवर सचिव

New Delhi, the 3rd November, 1995

S.O. 3073.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Raebareli Zila Sahakari Bank Ltd., Raebareli (Uttar Pradesh) from date of publication of this notification in the official Gazette to 31st March, 1998.

[F. No. 1(25)/95-AC]

B. A. NARAYANAN, Under Secy.

नई दिल्ली, 6 नवम्बर, 1995

का.आ. 3074.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, श्री परमजीत सिंह, उप सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) को श्री वाई. पी. सेठी के स्थान पर यूको बैंक में निदेशक के रूप में नामित करती है।

[सं. एफ 9/9/94-बी. ओ. 1]

के. के. मंगल, अवर सचिव

New Delhi, the 6th November, 1995

S.O. 3074.—In exercise of the powers conferred by clause (b) of sub-section 3 of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri Paramjit Singh, Deputy Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi as a Director of UCO Bank vice Shri Y. P. Sethi.

[F. No. 9/9/94-B.O.I]

K. K. MANGAL, Under Secy.

## (राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 10 नवम्बर, 1995

का. आ. 3075.—यह आम सूचना के लिए अधिसूचित किया जाता है कि आयकर अधिनियम, 1961 की धारा 36(1)(viii) के प्रयोजनार्थ केन्द्रीय सरकार द्वारा मंसर्स पार्श्वनाथ हार्जिसिंग फार्मिनेस कारपोरेशन लिमिटेड, हार्सिद्धा चैम्बर्स, तृतीय तल, आश्रम रोड, अहमदाबाद-380014 को आवास वित्त कंपनी के रूप में कर निर्धारण वर्ष 1995-96 और 1996-97 के लिए अनुमोदित किया जाता है।

2. यह अनुमोदन इस शर्त पर किया जाता है कि कंपनी आयकर अधिनियम, 1961 की धारा 36(1)(viii) के अनुरूप होगी और इन उपबंधों का पालन करेगी और निवेश योग्य निधियों का कम से कम 75% उपयोग आवास प्रयोजनों के लिए दीर्घकालिक आवास वित्त प्रदान करने के लिए किया जाएगा।

[अधिसूचना सं. 9906 /फा. सं. 204/18/94-आयकर  
नि. II]

एच. के. चौधरी, अवसर सचिव

(Department of Revenue)

Central Board of Direct Taxes

New Delhi, the 10th November, 1995

S.O. 3075.—It is notified for general information that M/s. Parashwanath Housing Finance Corporation Limited, Harsiddha Chambers, 3rd Floor, Ashram Road, Ahmedabad-380014 have been approved by the Central Government as a Housing Finance Company for the purposes of Section 36(1)(viii) of the Income-tax Act, 1961, for the assessment years 1995-96 and 1996-97.

2. The approval is subject to the condition that the company will conform to and comply with the provisions of section 36(1)(viii) of the Income-tax Act, 1961, and that not less than 75 per cent of investible funds continued are utilised for providing long term housing finance for residential purposes.

[Notification No. 9906/F. No. 204/18/94/ITA.II]  
H. K. CHOUDHARY, Under Secy.

नागरिक पूर्ण उपभोक्ता मामले और  
सार्वजनिक वितरण मंत्रालय

भारतीय मानक ब्यूरो

नई दिल्ली, 9 नवम्बर, 1995

का.आ.3076—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड "ख" के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे दिए गए मानक(कों) में संशोधन किया गया है/किये गये हैं।

## प्रस्तुती

क्रम संशोधित भारतीय मानक में की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तारीख
(1)	(2)	(3)
1. आई एस 545 : 1984	संशोधन सं. 2 सितम्बर 1995	1995-09-30

3	2	3	4
2. आईएस 546 : 1975	संशोधन सं. 4, अक्टूबर 1995	1995-10-31	
3. आईएस 347 : 1988	संशोधन सं. 4, अक्टूबर 1995	1995-10-31	
4. आईएस 1989 : (भाग 1) 1986	संशोधन सं. 2, अक्टूबर 1995	1995-10-31	
5. आईएस 2932 : 1993	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
6. आईएस 2984 : 1981	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
7. आईएस 3440 : 1985	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
8. आईएस 3441 : 1982	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
9. आईएस 3490 : 1985	संशोधन सं. 3, सितम्बर 1995	1995-09-30	
10. आईएस 3854 : 1988	संशोधन सं. 5, अगस्त 1995	1995-08-31	
11. आईएस 3903 : 1984	संशोधन सं. 3, अक्टूबर 1995	1995-10-31	
12. आईएस 4276 : 1977	संशोधन सं. 2, सितम्बर 1995	1995-09-30	
13. आईएस 4447 : 1994	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
14. आईएस 4984 : 1995	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
15. आईएस 5443 : 1994	संशोधन सं. 1, सितम्बर 1995	1995-09-30	
16. आईएस 6360 : 1971	संशोधन सं. 2, अक्टूबर 1995	1995-10-31	
17. आईएस 7056 : 1989	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
18. आईएस 7593 : (भाग 1) 1986	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
19. आईएस 8391 : 1980	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
20. आईएस 8879 : 1980	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
21. आईएस 8931 : 1993	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
22. आईएस 9231 : 1979	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
23. आईएस 9869 : 1981	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	
24. आईएस 10592 : 1982	संशोधन सं. 1, अक्टूबर 1995	1995-10-31	

1	2	3	4	
25. आईएस 11069 : 1984	संशोधन सं. 1, अक्टूबर 1995	1995-10-31		इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, कोयंबटूर तथा मद्रास और प्रांतीय कार्यालयों अजमेर, अजमेर, भुवनेश्वर, कलकत्ता, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, पटना और विजयवाड़ा में बिंदी देसू उपलब्ध हैं।
26. आईएस 11652 (भाग 2) : 1987	संशोधन सं. 1, सितंबर 1995	1995-09-30		
27. आईएस 13650 : 1983	संशोधन सं. 1, अक्टूबर 1995	1995-10-31		
28. आईएस 13827 : 1993	संशोधन सं. 1, अक्टूबर 1995	1995-10-31		
29. आईएस 14151 (भाग 1) : 1994	संशोधन सं. 1, अक्टूबर 1995	1995-10-31		

[संख्या के प्रति/13 : 5]  
एस. के. कार्मकर आगर महानिदेशक

# MINISTRY OF CIVIL SUPPLIES

Consumer Affairs and Public Distribution

## BUREAU OF INDIAN STANDARDS

New Delhi the 9th September, 1995

S.O. 3076:—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that amendment(s) to the Indian Standard(s) given in the Schedule hereto annexed, has/have been issued.

### SCHEDULE

Sl. No.	No. and year of the Indian Standard amendment	No. and date of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 545 : 1984	Amendment No. 2, September 1995	95-09-30
2.	IS 546 : 1975	Amendment No. 4, October 1995	95-10-31
3.	IS 547 : 1968	Amendment No. 4, October 1995	95-10-31
4.	IS 1989 (Part 1) : 1986	Amendment No. 2, October 1995	95-10-31
5.	IS 2932 : 1993	Amendment No. 1, October 1995	95-10-31
6.	IS 2984 : 1981	Amendment No. 1, October 1995	95-10-31
7.	IS 3440 : 1985	Amendment No. 1 October 1995	95-10-31
8.	IS 3441 : 1982	Amendment No. 1 October 1995	95-10-31
9.	IS 3490 : 1965	Amendment No. 3, September 1995	95-09-30
10.	IS 3854 : 1988	Amendment No. 5 August 1995	95-08-31
11.	IS 3903 : 1984	Amendment No. 3, October 1995	95-10-31
12.	IS 4276 : 1977	Amendment No. 2, September 1995	95-09-30
13.	IS 4447 : 1994	Amendment No. 1, October 1995	95-10-31
14.	IS 4984 : 1995	Amendment No. 1, October 1995	95-10-31
15.	IS 5443 : 1994	Amendment No. 1, September 1995	95-09-30
16.	IS 6360 : 1971	Amendment No. 2, October 1995	95-10-31
17.	IS 7056 : 1989	Amendment No. 1 October 1995	95-10-31
18.	IS 7593 (Part 1) : 1986	Amendment No. 1, October 1995	95-10-31
19.	IS 8591 : 1980	Amendment No. 1, October 1995	95-10-31
20.	IS 8879 : 1980	Amendment No. 1 October 1995	95-10-31
21.	IS 8931 : 1993	Amendment No. 1, October 1995	95-10-31
22.	IS 9231 : 1979	Amendment No. 1 October 1995	95-10-31



1	2	3	4
23.	IS 9869 : 1981	Amendment No. 1, October 1995	95-10-31
24.	IS 10592 : 1982	Amendment No. 1, October 1995	95-10-31
25.	IS 11069 : 1984	Amendment No. 1, October 1995	95-10-31
26.	IS 11852 (Part 2) : 1987	Amendment No. 1, September 1995	95-09-30
27.	IS 13680 : 1993	Amendment No. 1, October 1995	95-10-31
28.	IS 13827 : 1993	Amendment No. 1, October 1995	95-10-31
29.	IS 14151 (Part 1) : 1994	Amendment No. 1, October 1995	95-10-31

Copies of these amendments are available for sale with the Bureau of Indian Standards Manak Bhavan 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices : Ahmadabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13 : 5]

S. K. KARMAKAR, Addl. Director General

नई दिल्ली, 8 नवम्बर, 1995

क्र.आ. 3077.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) की खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एनर्जियां अधिनियमित करता है कि जिस/जिन भारतीय मानक/मानकों का/के विवरण नीचे अनुसूची में दिया गया है/हैं, गए हैं, वह/वे स्थापित हो गया है/हो गए हैं ।

## अनुसूची

क्रम स्थापित भारतीय मानक(कों) की संख्या और वर्ष सं. गीर्षक	नए भारतीय मानक द्वारा अतिरिक्त भारतीय स्थापित मानक अथवा मानकों, यदि हों, की सं. और वर्ष	तिथि	
1	2	3	4
1. आईएस 1890 (भाग 5) : 1995 मात्ताएं और इकाईयां भाग 5 विद्युत एवं चुम्बकत्व (पहला पुनरीक्षण)	आईएस 1890 (भाग 5) : 1983	95-08-31	
2. आईएस 1890 (भाग 8) : 1995 मात्ताएं और इकाईयां भाग 8 भौतिक रसायनिक और आंशिक भौतिकी (पहला पुनरीक्षण)	आईएस 1890 (भाग 8) : 1983	95-08-31	
3. आईएस 1890 (भाग 9) : 1995 मात्ताएं और इकाईयां भाग 9 पर्यावरिक और तापिकीय भौतिकी (पहला पुनरीक्षण)	आईएस 1890 (भाग 9) : 1983	95-08-31	
4. आईएस 1890 (भाग 10) : 1995 मात्ताएं और इकाईयां भाग 10 सामान्य प्रयोगों तथा मानक पद्धतियां (पहला पुनरीक्षण)	आईएस 1890 (भाग 10) : 1983	95-08-31	
5. आईएस 2796 : 1995 मोटर गेसोलीन-विजिण्ट (द्वितीय पुनरीक्षण)	आईएस 2796 : 1971	95-08-31	
6. आईएस 3681 : 1995 गियर-बेल्ट-कार गिर-परिणुद्धताएं (पहला पुनरीक्षण)	आईएस 3681 : 1966	93-04-30	

1	2	3	4
7.	आईएस 4001 : 1995 खान टब-विशिष्ट (दूसरा पुनरीक्षण)	आईएस 4001 : 1976	95-07-31
8.	आईएस 4401 : 1995 बस्त्रादि ऐंठित नाइलान की महस्य-जान सुतली-विशिष्ट (तीसरा पुनरीक्षण)	आईएस 4401 : 1981	95-09-30
9.	आईएस 4412-1 : 1991 जलीय तरल पावर-वायुजनित शोर स्तरों को ज्ञात करने की परीक्षण संहिता भाग 1 पम्प	आईएस 4412 : 1981	95-08-31
10.	आईएस 4412-2 : 1991 जलीय तरल पावर-वायुजनित शोर स्तरों को ज्ञात करने की परीक्षण संहिता भाग 2 मीटर	आईएस 4412 : 1981	95-08-31
11.	आईएस 4460 (भाग 1 से 3) : 1995 गियर-स्पर और सर्पिल गियर-भार क्षमता के परिकलन (पहला पुनरीक्षण)	आईएस 4460 : 1967	95-08-31
12.	आईएस 5054 (भाग 1 /अनु 3) : 1995 रेडियो आवृत्ति संयोजक भाग 1 सामान्य अपेक्षाएं और मापन पद्धतियां अनुभाग 3 विद्युत परीक्षण और मापन क्रियाविधियां आवरण प्रभाविता (दूसरा पुनरीक्षण)	आईएस 5054 : 1980	95-04-30
13.	आईएस 5344 : 1980 विकंपन उत्पन्न करने के लिए विद्युत्तगतिकीय परीक्षण उपस्कर-उपस्कर के लक्षण बताने की पद्धतियां	आईएस 5344 : 1969	95-08-31
14.	आईएस 6547 : 1981 द्रवीय तरल शक्ति-सिलिंडर- वेयरिंग रिंग सहित पिस्टन सील पेटी-आयाम एवं छूटें	आईएस 6547 : 1972	95-06-30
15.	आईएस 7142 : 1992, 5 लीटर से अनधिक जलवाली अल्पदाब द्रवीय गैसों के लिए बेल्डकृत अल्प कार्बन इस्पात के सिलिंडर-विशिष्ट (पहला पुनरीक्षण)	आईएस 7142 : 1974	95-09-30
16.	आईएस 7425-1 : 1988 द्रवीय तरल शक्ति-इलेक्ट्रो- मरीकृत प्लास्टिक युक्त सील-आयाम एवं छूटें भाग 1 पिस्टन सील वेपन	आईएस 7425 : 1974	95-06-30
17.	आईएस 7824 : 1995 शीघ्र परिवर्त्य चक्र, कालिट तथा प्लबी रीमर होल्डर-विशिष्ट (पहला पुनरीक्षण)	आईएस 7824 : 1975	95-09-30
18.	आईएस 7903 : 1995 बस्त्रादि उच्च धनत्व पोलिइथलीन बुने कपड़े से बने तिरपाल-विशिष्ट (पहला पुनरीक्षण);	आईएस 7903 : 1984	95-03-31
19.	आईएस 8783 (भाग 3) : 1995 निमज्जन मोटरों के वाइंडिंग तार-विशिष्ट भाग 3 परीक्षण पद्धतियां (पहला पुनरीक्षण)	आईएस 8783 : 1978	95-06-30
20.	आईएस 8783 (भाग 4/अनु 3) : 1995 निमज्जन मोटरों के वाइंडिंग तार विशिष्ट भाग 4 अलग-अलग तारों की विशिष्ट अनुभाग 3 पालियस्टर और प्रालिप्रोपीलीन मोहित वाइंडिंग तार (पहला पुनरीक्षण)	आईएस 8783 : 1978	95-09-30
21.	आईएस 9359 : 1995 कीटनाशक फॉरेट जी संपुटित- विशिष्ट (पहला पुनरीक्षण)	आईएस 9359 : 1980	95-07-31

(1)	(2)	(3)	(4)
22. आईएम 10258 : 1995 एक बार उपयोग में आने वाली निर्जर्म अधस्त्यक मिनिजे-विशिष्ट (पहला पुनरीक्षण)	आईएस 10258 : 1982		95-07-31
23. आईएम 11559 : 1995 द्रव चालित तरल पावर-मिनि-डर-छड़ शिरा गोलाकार छेद-आरोपण आयाम (पहला पुनरीक्षण)	आईएम 11559 : 1985		95-08-31
24. आईएम 11560 : 1995 द्रवचालित तरल पावर-मिनिडर छड़ शिरा स्पष्ट छेद-आरोपण आयाम (पहला पुनरीक्षण)	आईएस 11550 : 1985		95-08-31
25. आईएस 12738 : 1995 वायुचालित तरल पावर-32 मिमी से 50 मिमी बोर तक के समाकलन आरोपण सहित एक छेद वाले सिनिडर 1000 कि.वा. (10 बार) शुंखला-आरोपण आयाम (पहला पुनरीक्षण)	आईएम 12738 : 1988		95-08-31
26. आईएम 13695 : 1995 अस्तर वाले व बिना अस्तर के रबड़ के जूते रसायन प्रतिरोधी-विशिष्ट (पहला पुनरीक्षण)	आईएम 13695 : 1992		95-10-31
27. आईएम 13808 (भाग 3) : 1995 अस्पताल सेवाओं के लिए गुणता प्रबन्ध (30 संसतर्गित अस्पताल तक)- मार्गदर्शी मिडियन भाग 3 बाई, परिचर्चा सेवाएं एवं शल्य चिकित्सा कक्ष	आईएम--		95-04-30
28. आईएम 13981 (भाग 1/अनु 3) : 1995 संपर्क और परीक्षण संयोजनों की विशिष्ट भाग 4U-संपर्क प्लग अनुभाग 3 दोहराU-संपर्क प्लग द्रविण	---		95-07-31
29. आईएम 13985 : 1994 खुले विद्युन्मय में प्रयुक्त औजारों और उपकरणों के लिये तकनीकी शब्दावली	---		94-12-31
30. आईएम 14231 (भाग 5) : 1995 टेलीविजन और ध्वनि संकेतों के लिए केवलकृत वितरण तंत्र भाग 5 हैडएंड	---		95-07-31
31. आईएस 14244 : 1995 मात्र फोटो-बोल्डीय (पी बी) प्रणाली पर आधारित तंत्रों के अभिलाक्षणिक मापदंड	---		95-03-31
32. आईएस 14254 (भाग 1) : 1995 योग्य नियंत्रक भाग 1 सामान्य सूचना	---		95-05-31
33. आईएम 14257 : 1995 मोटर वाहनों के लिए सीसा-अम्ल की हल्के भार वाली और उच्च ऊर्जा कार्यकारिता से युक्त भंडारण बैटरियां -विशिष्ट	---		95-07-31
34. आईएम 14267 (भाग 4) : 1995 शीघ्र हिमीकृत सब्जियों -विशिष्ट भाग 4 शीघ्र हिमीकृत फली	---		95-07-31
35. आईएस 14269 : 1995 स्वचल वाहन-समग्र पावर स्टीयरिंग गियर-परीक्षण पद्धति	---		95-08-31

इन मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चण्डीगढ़ तथा मद्रास और शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना और लखनऊ विश्वन्मथपुरम में विक्री हेतु उपलब्ध हैं।

[सं. के.प्रि.बि./13 - 27]

एस.के. कर्मकार, अपर महानिदेशक

New Delhi, the 8th November, 1995

S.O. 3077 :—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been established on the date indicated against each:

## SCHEDULE

Sl. No. year and Title of the Indian Standard(s) established No.	No. and year of the Indian Standard or Standard, if any, superseded by the new Indian Standard	Date of Establishment	
(1)	(2)	(3)	(4)
1. IS : 1890 (Part 5) : 1995—Quantities and units Part 5 Electricity and magnetism (First Revision)	IS : 1890 (Pt. 5) : 1983		95-08-31
2. IS : 1890 (Part 8) : 1995—Quantities and units Part 8 Physical chemistry and molecular physics (First Revision)	IS : 1890 (Pt. 8) : 1983		95-08-31
3. IS : 1890 (Part 9) : 1995—Quantities and units Part 9 Atomic and nuclear physics (First Revision)	IS : 1890 (Part 9) : 1983		95-08-31
4. IS : 1890 (Part 10) : 1995—Quantities and units Part 10 Nuclear reactions and ionizing radiations (First Revision)	IS : 1890 (Pt. 10) : 1983		95-08-31
5. IS : 2796 : 1995—Motor gasolines—Specification (Second Revision)	IS : 2796 : 1971		95-08-31
6. IS : 3681 : 1995—Gears—Cylindrical gears—Accuracies (First Revision)	IS : 3681 : 1966		95-04-30
7. IS : 4001 : 1995—Mine tubes—Specification (Second Revision)	IS : 4001 : 1976		95-07-31
8. IS : 4401 : 1995—Textiles—Twisted nylon fish-net-twines— Specification (Third Revision)	IS : 4401 : 1981		95-09-30
9. IS : 4412—1 : 1991—Hydraulic fluid power—Test code for determination of airborne noise levels Part 1 Pumps	IS : 4412 : 1981		95-08-31
10. IS : 4412—2 : 1991—Hydraulic fluid power—Test code for determination of airborne noise levels Part 2 Motors	IS : 4412 : 1981		95-08-31
11. IS : 4460 (Parts 1 to 3) : 1995—Gears—Spur helical gears— Calculation of load capacity (First Revision)	IS : 4460 : 1967		95-03-31
12. IS : 5054 (Part 1/Sec. 3) : 1995—Radio frequency connectors Part 1 General requirements and measuring methods Section 3 Electrical tests and measuring Procedures—Screening effectiveness. (Second Revision)	IS : 5054 : 1980		95-04-30
13. IS : 5344 : 1980—Electrodynamic test equipment for generat- ing vibration—Methods of describing equipment characteristics	IS : 5344 : 1969		95-08-31

(1)	(2)	(3)	(4)
14.	IS : 6547 : 1981—Hydraulic fluid power-Cylinders-Piston seal housings incorporating bearing rings-Dimensions and tolerances	IS : 6547 : 1972	95-06-30
15.	IS : 7142 : 1995—Welded low carbon steel cylinders for low pressure liquefiable gases not exceeding 5 litre water capacity—Specification (First Revision)	IS : 7142 : 1974	95-09-30
16.	IS : 7425 : 1974—Hydraulic fluid power-Housing for elastomer energized, plastic-faced seals-Dimensions and tolerances Part 1 Piston seal housings	IS : 7425 : 1974	95-06-30
17.	IS : 7824 : 1995—Quick change drill chucks, collets and floating holder holders—Specification (First Revision)	IS : 7824 : 1975	95-09-30
18.	IS : 7903 : 1995—Textiles-Tarpauline made from high density polyethylene woven fabric—Specification (Second Revision)	IS : 7903 : 1984	95-03-31
19.	IS : 8783 (Part 3) : 1995—Winding wires for submersible motor—Specification Part 3 Methods of tests (First Revision)	IS : 8783 : 1978	95-06-30
20.	IS : 8783 (Part 4/Sec. 3) : 1995—Winding wires for submersible motors—Specification Part 4 Specification for individual wires Section 3 Polyester and polypropylene insulated winding wires. (First Revision)	IS : 8783 : 1978	95-09-30
21.	IS : 9359 : 1995—Pesticide-Phorate G encapsulated—Specification (First Revision)	IS : 9359 : 1980	95-07-31
22.	IS : 10258 : 1995—Sterile hypodermic syringes for single use Specification (First Revision)	IS : 10258 : 1982	95-07-31
23.	IS : 11559 : 1995—Hydraulic fluid power-Cylinders-Rod end spherical eyes—Mounting dimensions (First Revision)	IS : 11559 : 1985	95-08-31
24.	IS : 11560 : 1995—Hydraulic fluid power-Cylinders-Rod end plain eyes—Mounting dimensions (First Revision)	IS : 11560 : 1985	95-08-31
25.	IS : 12738 : 1995—Pneumatic fluid power-Single rod cylinders 1 000 kPa (10 bar) series, with integral mountings, bores from 32 mm to 250 mm—Mounting dimensions (First Revision)	IS : 12738 : 1988	95-08-31
26.	IS : 13695 : 1995—Lined or unlined rubber boots resistant to chemicals—Specification (First Revision)	IS : 13695 : 1992	95-10-31
27.	IS : 13808 (Part 3) : 1995—Quality management for hospital services (Up to 30-bedded hospitals)—Guidelines Part 3 Wards, nurses services and operation theatre.	—	95-04-30
28.	IS : 13984 (Part 4/Sec. 3) : 1995—Link and (test connector) - Specification Part 4 U-Link Plug Section 3 Double U-Link Plug Polarised.	—	95-07-31
29.	IS : 13985 : 1994—Terminology for tool and equipment to be used in live working.	—	94-12-31

(1)	(2)	(3)	(4)
30.	IS : 14231 (Part 5) : 1995—Cabled distribution system for television and sound signals—Specification Part 5 Headend.	---	95-07-31
31.	IS : 14244 : 1995—Characteristic parameters of stand alone photovoltaic (PV) systems.	---	95-03-31
32.	IS : 14254 (Part 1) : 1995—Programmable controllers Part 1 General information	---	95-05-31
33.	IS : 14257 : 1995—Lead-Acid storage batteries for motor vehicles with light weight and high cranking performance—Specification	---	95-07-31
34.	IS : 14267 (Part 4) : 1995—Quick frozen vegetables—Specification Part 4 Quick frozen beans	---	95-07-31
35.	IS : 14269 : 1995—Automotive vehicles—Integral power steering gear—Method of test.	---	95-08-31

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices : Ahmadabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13:2]

S.K. KARMAKAR, Addl. Dir. Gen.

मानव संसाधन विकास मंत्रालय

(युवा कार्यक्रम और खेल विभाग)

शुद्धि पत्र

नई दिल्ली, 27 अक्टूबर 1995

का. प्रा. 3078.—हम विभाग की दिनांक 14 अगस्त, 1995 की समसूचक अधिसूचना के साथ संलग्न अनुसूची में निम्नलिखित परिवर्तन करें:—

1. उप कार्यक्रम सलाहकार के पद में कालम 6 के नीचे 45 वर्ष के स्थान पर 50 वर्ष।
2. युवा अधिकारी के पद में कालम 12 के नीचे कालम क(iii) में 1600-2600 रुपए के स्थान पर 1600-2660 रुपए।

[संख्या ए.-11011/1/88-युवा सेवा-III]

एस. गुरती, अवर सचिव

(शिक्षा विभाग)

नई दिल्ली, 31 अक्टूबर, 1995

का.प्रा. 3079 :— केन्द्रीय सरकार, राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग)

के प्रस्तुत निम्नलिखित केन्द्रीय विद्यालयों को जिनमें 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. केन्द्रीय विद्यालय, शिमला (हि.प्र.)
2. केन्द्रीय विद्यालय, तुलहस्ती परियोजना, किरानवाड़ा (जम्मू कश्मीर)
3. केन्द्रीय विद्यालय, अयोध्यापुरम (जम्मू कश्मीर)
4. केन्द्रीय विद्यालय नं. 3, गंधिर मार्ग, पटियाला छावनी, पंजाब।
5. केन्द्रीय विद्यालय, पीतम पुरा, नई दिल्ली।
6. केन्द्रीय विद्यालय, गोल मार्फिट, नई दिल्ली।

[सं. 11011-7/95-रा.भा.ए.]

निशेष्ठु ओझा, निदेशक (रा.भा.)

MINISTRY OF HUMAN RESOURCE  
DEVELOPMENT

(Deptt. of Education)

New Delhi, the 31st October, 1995

S.O. 2079.—In pursuance of sub rule (4) of Rule 10 of the Official Language (use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notifies the following Kendriya Vidyalayas under the Ministry of Human Resource Development (Deptt. of Education) more than 80% staff of which has working knowledge of Hindi :—

1. Kendriya Vidyalaya,  
Shimla (H.P.)
2. Kendriya Vidyalaya,  
Dulhasti Project,  
Kistwada (J&K)
3. Kendriya Vidyalaya,  
Jyotipuram (J&K)
4. Kendriya Vidyalaya No 3,  
Mandir Marg,  
Patiyala Cantt.  
Punjab.
5. Kendriya Vidyalaya,  
Peetam Pura,  
New Delhi.
6. Kendriya Vidyalaya,  
Gole Market, New Delhi.

[No. 11011-7/95—O.L.U.]  
NISHENDU OJHA, Director (O.L.)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय  
नई दिल्ली, 13 नवम्बर, 1995

का.आ. 3080:— यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में मण्डापेटा से कुर्दुलामा बेरुवू पोर्ट तक पेट्रोलियम के परिवहन के लिए पाइपलाइन गैस अधॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए। और यतः यह प्रतीत होता है कि ऐसी लाइन का बिछाने के प्रयोजन के लिए पन्हुद्वारा अनु-अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना पक्ष पन्हुद्वारा घोषित किया है।

बशर्ते कि उस भूमि में निम्नलिखित कोई व्यक्ति, उस भूमि के लोक पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अधॉरिटी ऑफ इंडिया लिमिटेड, राजमंड्री आन्ध्र प्रदेश को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा, और ऐसा आक्षेप करने वाला हर व्यक्ति निम्नलिखित: यह भी कल्पन करेगा कि क्या वह चाहता है कि तत्परी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

परिच्छेद 3 (1) विज्ञप्ति

मण्डापेट से कुर्दुलामा बेरुवू गैस पाइप लाइन प्रोजेक्ट

अनुपाद	तहसील	ग्राम	सर्वे नं०	क्षेत्रफल बिबरण (हेक्टे एकड़ में)
पूरुब गोटावरि	रामचन्द्रपुरम	वेगम्मपेट	173 2ए	0.09
			1 पाट	
			177-1	0.05
			पाट	
				0.14 या 35 सेन्टम

[मं.एल. 14016/4/93/जी.पी.]  
घर्षेन्दु सेन, निदेशक

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 13th November, 1995.

S.O. 3080.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of gas from Mandapeta to K. Cheruvu gas pipeline in Andhra Pradesh State, pipeline should be laid by Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule appended thereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Rajahmundry, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

## FOR 3(1) NOTIFICATION Gas Pipe Line Project

Mandapet — Kaddomina Vegayammampeta Cherivig

District	Mandal	Village	Survey Nos.	Area (In Hect/ Acres)	Remarks
East Godavari	Rameschandrapuram	Vegayammampeta	173-2A/Part	0-09-00	
			177-1B/Part	0-05-00	
				0-14-00	OR 0 35 cents

[No. L-14016/4/93/G.P.]  
ARDHENDU SEN, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 16 अक्टूबर, 1995

का. आ. 3081.—भारतीय आयुर्विज्ञान परिषद् अधिनियम 1956 (1956 का 102) की धारा 3 की उप-धारा 1 के खंड (ख) के उपखंडों के अनुसरण में प्रोफेसर (श्रीमती) पी. के. मिश्रा, प्रधानाचार्या, के. जी. मेडिकल कॉलेज, लखनऊ को लखनऊ विश्वविद्यालय की सेवा द्वारा 9 जुलाई, 1995 में भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है।

अनः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में एतद्वारा भारत सरकार के पूर्ववर्ती स्वास्थ्य मंत्रालय की अधिसूचना का. आ. 138 तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित शीर्षक के नीचे क्रम संख्या 25 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टि रखी जाएगी, अर्थात्:—

“25. प्रोफेसर (श्रीमती) पी. के. मिश्रा,  
प्रधानाचार्या लखनऊ विश्वविद्यालय”  
के. जी. मेडिकल कॉलेज  
लखनऊ

[स. बी.-11013/20/95-एम ई (यु. जी.)]  
एम. के. मिश्रा, डैस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE  
(Department of Health)

New Delhi, the 16th October, 1995

S.O. 3081.—Whereas in pursuance of the provisions of clause (b) of sub-section 1 of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Prof. (Smt.) P. K. Mishra, Principal K. G. Medical College, Lucknow has been elected

by the Court of University of Lucknow to be a member of Medical Council of India from 9th July, 1995.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health number S.O. 138 dated the 9th January, 1960, namely:—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 25 and the entry relating thereto the following serial number and entry shall be substituted, namely:—

“25. Prof. (Smt.) P. K. Mishra University of Lucknow”  
Principal,

K. C. Medical College,  
Lucknow.

[No. V. 11013/20/95-ME(UG)]  
S. K. MISHRA, Desk Officer

नई दिल्ली, 20 अक्टूबर, 1995

का. आ. 3082.—होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में, डा. के. ए. जोसेफ को मंगलौर विश्वविद्यालय में होम्योपैथी केन्द्रीय परिषद् का सदस्य निर्वाचित किया गया है।

अनः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के स्वास्थ्य और परिवार नियोजन मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना सं. का. आ. 482(घ) तारीख 6 अगस्त, 1974 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित शीर्षक के अंतर्गत क्रम सं. 4 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्याएँ और प्रविष्टियाँ रखी जाएँगी, अर्थात्:—



1	2
9. डा. के. ए. जोसेफ प्राचार्य एफ आर मूलर्स होम्यो- पैथिक मेडिकल कालेज और अस्पताल कनकनाडी मंगलूर-575002	मंगलूर विश्वविद्यालय, मंगलूर ।

[सं. बी.—27021/46(16)/94-होम्यो-ई यू]  
कंवल दास, अवसर सचिव

New Delhi, 20th October, 1995

S.O. 3082 :—Whereas in pursuance of the provisions of clause (b) of sub section (1) of section 3 of the Homoeopathy Central Council Act 1973 (59 of 1973), Dr K A Joseph has been elected as a member of the Central Council of Homoeopathy from the Mangalore University.

Now, therefore, in exercise of the powers conferred by sub section (1) of section 3 of the said Act the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Planning (Department of Health), number S.O. 482 (E) dated the 6th August, 1974, namely :—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3" for serial number 9 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

(1)	(2)
"9. Dr. K.A. Joseph, Principal, Fr. Muller's Homoeopathic Medical College & Hospital, Kankanady, Mangalore-575 002	Mangalore University, Mangalore'.

[F. No. V. 27021/46(16)/94/Homoeo-EU]  
KANWAL DAS. Under Secy.

Note : The Principal notification was issued vide number S.O. 482(c), dated the 6th August 1974 and subsequently amended by notification numbers S.O. 484 (E), dated the 6th August, 1974, S.O. 740 (E), dated the 29th August, 1990, S.O. 818(E), dated the 22nd October, 1990, S.O. 75(E), dated the 6th February, 1991, S.O. 547, dated the 27th

January, 1992, S.O. 1263, dated the 27th April 1992 and S.O. 2700, dated the 25th September, 1992

नई दिल्ली, 20 अक्टूबर, 1995

का. आ. 3083 —होम्योपैथी केन्द्रीय परिषद अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंधों के अनुसरण में डा. अरुण भास्मे को डा. बाबा साहेब अम्बेडकर मराठवाड़ा विश्व-विद्यालय से होम्योपैथी केन्द्रीय परिषद का सदस्य निर्वाचित किया गया है ।

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के स्वास्थ्य और परिवार नियोजन मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना सं. का. आ. 482(अ) तारीख 6 अगस्त, 1974 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, "धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित" शीर्षक के अंतर्गत क्रम सं 8 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टियां रखी जाएंगी, अर्थात् :—

1	2
"ड. अरुण भास्मे प्राचार्य, तोनाजी राव क्षीर सागर होम्योपैथिक चिकित्सा कालेज, बीड (महाराष्ट्र) निवास:— 80, एम. आई. डी. सी. बीड (महाराष्ट्र)	डा. बाबा साहेब अम्बेडकर मराठवाड़ा विश्वविद्यालय"

[फा. सं. बी-27021/46(21)94-होम्योपैथी (ई. यू.)]  
कंवल दास, अवसर सचिव

New Delhi, 20th October, 1995

S.O. 3083:—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Homoeopathy Central Council Act 1973 (59 of 1973), Dr Arun Bhasme has been elected as a member to the Central Council of Homoeopathy from Dr. Babasaheb Ambedkar Marthwada University.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act the Central Government hereby makes the following

further amendment in the notification of the Government of India in the Ministry of Health and Family Planning (Department of Health), number S.O. 482 (E) dated the 6th August, 1974, namely :—

In the said notification under the heading "Elected under clause (b) of sub-section (1) of section 3" for serial number 8 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

1	2
"8. Dr. Arun Bhasme Principal, Sonajirao Kshir Sagar, Homoeopathic Medical College — Beed (Maharashtra) Residence : 80, M.L.D.C Beed (Maharashtra) [F. No. V—27021/46(21)/94—Homoeo-EU] KANWAL DAS Under Secy.	Dr. Babasaheb Ambedkar Marathwada University"

Note : The Principal notification was issued vide number S.O. 482(E) dated the 6th August 1974 and subsequently amended by notifications numbers S.O. 484(E) dated the 6th August, 1974 S.O. 740(E), dated the 29th August, 1990 S.O. 818(E), dated the 22nd October, 1990 S.O. 75(E), dated the 6th February, 1991, S.O. 547, dated the 27th January, 1992, S.O. 1263, dated the 27th April 1972 and S.O. 2700, dated the 25th September 1992.

आदेश

नई दिल्ली, 1 नवम्बर, 1995

का. आ. 3084.—मोनाश विश्वविद्यालय, मेलबोर्न, आस्ट्रेलिया द्वारा प्रदान की गई एम. बी. बी. एस. आयु-विज्ञान अर्हता, भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 14 के प्रयोजन के लिए मान्यताप्राप्त आयुर्विज्ञान अर्हता है ;

और डा. कटरिनारोजमंड फिलिप जिसके पास उक्त अर्हता है, इस समय पूर्व कार्य के प्रयोजन के लिए क्रिश्चियन मेडिकल कॉलेज, बैलोर से संलग्न है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 14 की उपधारा (1) के परन्तुक के खण्ड (ग) के अनुसूचन में,

(i) इस अधिसूचना के जारी करने की तारीख से दो वर्ष की अवधि को, या

(ii) उस अवधि को, जिसके दौरान डा. (श्रीमती) कटरिना रोजमंड फिलिप उक्त क्रिश्चियन मेडिकल कॉलेज, बैलोर से संलग्न है, इन्में से जो भी कम हो, वह अवधि विनिर्दिष्ट करती है जिस तक पूर्वोक्त डाक्टर द्वारा चिकित्सा व्यवसाय सीमित होगा ।

[सं. बी.-11016/3/95—एम. ई. (यू. जी.)]  
एम. के. मिश्रा, डेस्क अधिकारी

#### ORDER

New Delhi, the 1st November, 1995

S.O. 3084.—Whereas the medical qualification M.B.B.S. granted by the University of Monash, Melbourne, Australia is a recognised medical qualification for the purpose of section 14 of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Katrina Rosamond Philip who possesses the said qualification is for the time being attached to the Christian Medical College, Vellore for the purposes of charitable work ;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies :

(i) a period of two years from the date of issue of this notification, or

(ii) the period during which Dr. (Mrs.) Katrina Rosamond Philip is attached to the said Christian Medical College Vellore,

whichever is shorter as the period for which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/3/95-ME(UG)]  
S. K. MISHRA, Desk Officer

नई दिल्ली, 4 नवम्बर, 1995

का. आ. 3085.—केन्द्रीय सरकार, दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की दिनांक 24 जनवरी, 1984 की अधिसूचना एम.ओ. 430 में निम्नलिखित संशोधन करती है अर्थातः—

उक्त अधिसूचना के क्रम संख्या 5 पर वर्णित तथा उसमें संबंधित प्रविण्टियों "धारा 3 के प्रावधान के साथ पठित उप-धारा (क) के अन्तर्गत चयनित" शीर्षक के स्थान पर निम्नलिखित प्रविण्टि प्रतिस्थापित करती है नामतः

"5. डा. रविन्द्र कुमार बाली पंजाब दन्त चिकित्सा  
द्वारा डा. बी. आर. बच्छर परिषद 30-3-95"  
198, क्वीन्स रोड, अमृतसर

[संख्या बी.-12013/8/95—पी. एम. एस.]  
एच. एन. यादव, अवसर सचिव

New Delhi, the 4th November, 1995

S.O. 3085.—In exercise of the powers conferred under section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the

notification of the Government of India in the Ministry of Health & Family Welfare (Department of Health) No. S.O. 430 dated 24th January, 1984 namely:—

In the said notification under head "Elected under clause (a) read with proviso to section 3" for serial No. 5 and the entries relating thereto, the following shall be substituted, namely:—

"5. Dr. Ravinder Kumar Bali Punjab 30-3-95"  
C/o Dr. B. R. Vachhar, Dental  
198, Queens Road, Amritsar Council

[No. V. 12013/8/95-PMS]  
H. N. YADAV, Under Secy.

अखिल भारतीय मृदा एवं भू उपयोग सर्वेक्षण  
नियुक्ति आदेश

नई दिल्ली, 6 नवम्बर, 1995

का. आ. 3086—विभागीय पदोन्नति समिति ग्रुप ख (कृषि और सहकारिता विभाग) की अनुमति पर तथा नियुक्ति प्रस्ताव संख्या ई 3-48/82-प्र. भा. मृ./6428/8 दिनांक 17-10-95 के क्रम में श्री श्रीकृष्ण, कार्यालय अधीक्षक, दिल्ली क्षेत्रीय केन्द्र को दिनांक 2-11-95 में अग्रिम आदेश जारी करते तक रु. 2000-60-2300-द. रा. -75-3200-100-3500 के वेतनमान में अखिल भारतीय मृदा एवं भू उपयोग सर्वेक्षण के मुख्यालय में स्थानापन्न/प्रस्थायी आधार पर प्रशासन अधिकारी, ग्रुप ख नियुक्त किया जाता है।

श्री श्रीकृष्ण की परीक्षा की अवधि नियमित नियुक्ति की तिथि से दो वर्ष के लिए होगी। प्रशासन अधिकारी के पद पर उत्कावेनन नियमानुसार नियत होगा।

[संख्या ई. 12-2/राजपत्रित-ख/73/6837]

सत्येंद्र नाथ दास, मुख्य मृदा सर्वेक्षण अधिकारी

#### ALL INDIA SOIL & LAND USE SURVEY APPOINTMENT ORDER

New Delhi, the 6th November, 1995

S.O. 3086.—On the recommendation of the Departmental Promotion Committee Group 'B' (Department of Agricultural & Cooperation) and in continuation of the offer of appointment No. E. 3-48/82-AS/6428/8 dated 17th October, 1995, Sh. Srikrishan, Office Superintendent, Delhi Regional Centre of the All India Soil & Land Use Survey is hereby appointed as Administrative Officer, Group 'B' Gazetted in the pay scale of Rs. 2000-60-2300-EB-75 3200-100-3500 in the Head Qrt. office of the All India Soil & Land Use Survey Organisation (Department of Agri. & Coop.) on officiating/temporary basis with effect from the forenoon of 2nd November, 1995 until further orders.

He will be on probation for a period of two years from the date of his regular appointment.

His pay in the post of Administrative Officer will be fixed according to rules.

[No. E. 12-2/G(B)/73/6837]  
S. N. DAS, Chief Soil Survey Officer

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 15 सितम्बर, 1995

का. आ. 3087—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा-5 की उप-धारा

(1) में प्रदत्त शक्तियों का उपयोग करने हुए तथा इस मंत्रालय की दिनांक 1 सितम्बर, 1995 की अधिसूचना संख्या 813/5/95-एफ. (सी) के अनुक्रम में केन्द्र सरकार, निम्नलिखित व्यक्तियों को केन्द्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्य के रूप में तात्कालिक प्रभाव से अग्रिम आदेशों तक नियुक्त करती है:—

1. श्री सी. पी. मित्तल
2. श्री पुष्पिन्दर सुद
3. सुश्री कुंजना सिंह

[फाइल संख्या 813/5/95-एफ. (सी)]

अ.र. सी. गहदावपुरी, डेस्क अधिकारी

#### MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 15th September, 1995

S.O. 3087.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1993 and in continuation of this Ministry's notification No. 813/5/95-F(C) dated 1st September, 1995, the Central Government is pleased to appoint the following persons as Members of the Delhi Advisory Panel of the Central Board of Film Certification with immediate effect and until further orders:—

1. Shri C. P. Mittal.
2. Shri Pushpinder Sood.
3. Ms. Kunjina Singh

[File No. 813/5/95-F(C)]

R. C. SHAHDADPURI, Desk Officer

नई दिल्ली, 26 सितम्बर, 1995

का. आ. 3088—चलचित्रिकी (प्रमाणन) नियम 1983 के नियम 7 व 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) में प्रदत्त शक्तियों का उपयोग करने हुए तथा इस मंत्रालय के दिनांक 15 सितम्बर, 1995 की अधिसूचना संख्या 813/5/95-एफ. (सी) के क्रम में केन्द्र सरकार सुश्री सुधा जैकब को केन्द्रीय फिल्म प्रमाणन बोर्ड संबंधी दिल्ली सलाहकार पैनल के सदस्य के रूप में तात्कालिक प्रभाव से तथा अग्रिम आदेशों तक नियुक्त करती है।

[फाइल संख्या 813/5/95-एफ. (सी)]

अ.र. सी. गहदावपुरी, डेस्क अधिकारी

New Delhi, the 26th September, 1995

S.O. 3088.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules 1983 and in continuation of this Ministry's notification No. 813/5/95-F(C) dated 15th September, 1995, the Central Government is pleased to appoint Ms. Sudha Jacob as Member of the Delhi Advisory Panel of the Central Board of Film Certification with immediate effect and until further orders.

[File No. 813/5/95-F(C)]

R. C. SHAHDADPURI, Desk Officer

नई दिल्ली, 16 अक्टूबर, 1995

का. आ. 3089.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम-9 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा-5 की उपधारा (2) में प्रदत्त शक्तियों का उपयोग करते हुए केन्द्र सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड, कलकत्ता में क्षेत्रीय अधिकारी के रूप में श्री बी. एस. विश्वास की नियुक्ति की अवधि को सामान्य प्रतिनियुक्ति शर्त पर 23-6-95 से 3-7-95 के लिए बढ़ाती है।

[सं. 801/4/92-एफ. (सी)-खंड -II]  
आर. सी. शहादपुरी, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 3089.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rule 9 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to extend the appointment of Shri B. S. Biswas as Regional Officer, Central Board of Film Certification, Calcutta on usual deputation terms from 23rd June, 1995 to 3rd July, 1995.

[No. 801/4/92-F(C)-Vol. III]  
R. C. SHAHDADPURI, Desk Officer

श्रम मंत्रालय

नई दिल्ली, 9 अक्टूबर, 1995

का. आ. 3090.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जी. एन. हार्ड कोक मैनुफैक्चरिंग कंपनी प्राइवेट लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-9-95 को प्राप्त हुआ था।

[संख्या एल-20012/114/94-आईआर (कोल-1)]  
ब्राज मोहन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 9th October, 1995

S.O. 3090.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. G. N. Hard Coke Manufacturing Co. Pvt. Ltd. and their workmen, which was received by the Central Government on 26-9-95.

[No. L-20012/114/94-IR(Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947.

Reference No. 78 of 1994

PARTIES :

Employers in relation to the management of M/s.  
G. N. Hard Coke Manufacturing Co. Pvt. Ltd  
AND  
Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers.—Shri M. S. Paul, Manager.

For the Workman.—Shri Sudesh Prasad, concerned workman.

STATE : Bihar.

INDUSTRY : Coal

Dated, the 15th September, 1995

AWARD

By Order No. L-20012(114/94-IR. (Coal-I) dated the 29th March, 1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (a) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

Whether the action of management of M/s. G. N. Hard Coke Manufacturing Co. Pvt. Ltd., At Merah, P.O. Charkunda, Dist. Dhanbad in terminating the services of Shri Sudesh Prasad, Accounts Assistant-cum-Typist w.e.f. 17-8-93 is justified? If not, what relief the concerned workman is entitled to?.

2. The order of reference was received in this Tribunal on 7-4-1994. Hereafter, on 16-5-1995 Sri Malay Shankar Paul, appealing on behalf of the management, filed document of settlement. Since the concerned workman was not present in the Tribunal on that date, he was issued notice to appear before this Tribunal on 11-8-95 to verify the settlement filed by the management.

3. On 11-8-95 Sri Sudesh Prasad, the concerned workman, appeared and admitted that he had settled his dispute with the management and that settlement had already been implemented by the management and that he had no claim against the management. His signature was obtained in the margin of the order-sheet on 11-8-95 which tallied with his signatures on his written statement and the documents of his agreement.

4. From this declaration filed by the concerned workman, Sudesh Prasad, it appears that he had agreed to take a sum of Rs. 2,500 in full settlement of his claim. In the declaration he also has undertaken not to lodge any case in this regard in future. Photo copy of the cash receipt granted by the concerned workman has also been filed.

5. A separate application, described as written statement, was filed on behalf of the management submitting that the amount agreed upon between the parties had been paid.

5. However, the document of declaration of the concerned workman does not appear to be in Form 'H' as prescribed under Industrial Disputes (Central) Rules, 1957, nor it appears that the copies of the same were transmitted to the authorities mentioned therein. Therefore, this could hardly be taken to be a settlement between the parties.

6. But from the declaration, and the petition of the management and other documents, it is manifest that the concerned workman has already satisfied his claim and that presently he has no dispute with the management. The workman who was present in the Court himself had submitted as such.

Since now there is no dispute between the parties, I hereby render 'no dispute' award in the present reference.

P. K. SINHA, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 1995

का.आ. 3091—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडिया सेक्यूरिटी प्रेस के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 अक्टूबर, 95 को प्राप्त हुआ था।

[संख्या एल-16011/3/92-आईआर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 26th October, 1995

S.O. 3091.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Security Press and their workmen, which was received by the Central Government on 24-10-1995.

[No. L-16011/3/92-IR (DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

#### PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/86 of 1993

Employers in relation to the management of India Security Press and Currency Note Press, Nasik

AND

Their Workmen.

#### APPEARANCES :

For the Employer—Shri P. M. Pradhan, Advocate.

For the Workmen—Shri S. M. Dharap, Advocate.

Bombay, the 10th October, 1995

#### AWARD

Government of India Ministry of Labour by its letter No. L-16011/3/92-IR (DU) dated 11-11-1993 had referred to the following industrial dispute for adjudication.

#### SCHEDULE

“Whether the action of the management of India Security Press, Nasik and Currency Note Press, Nasik in issuing the notice of change dated 8-10-91 proposing to increase weekly hours of work from 37½ to 44 per week in respect of ministerial staff namely clerks, office peons, record sorters, and

medical staff is justified in view of agreement dated 11-5-1988 signed between the two managements and the workmen in conciliation before Conciliation Officer and ALC (C)-III, Bombay ? If not, what relief the workmen concerned are entitled to ?”

2. The General Secretary India Security Press and Currency Note Press staff union have filed a statement of claim at Exhibit 2. Indian Security Press and Currency Note Press have filed their written statement at Exhibits '3' and '4' respectively.

3. The admitted facts can be summarised as follows :

Initially India Security Press as well as Currency Note Press were not different organisations but entire work was being undertaken by one organisation that is India Security Press which came to be established at Nasik in the year 1925. It came to be bifurcated later on. So far as these 2 establishments are concerned the staff is divided into 2 categories namely ministerial staff and non-ministerial staff. Non-ministerial staff includes both industrial staff (non-classified workmen) and non-industrial sub-staff (classified workmen).

4. From 4th of September, 1925 to 31st of March, 1935 the working hours were 36 hours a week which subsequently came to be changed from 1st of April, 1935 to 42½ hours. It continued upto 31st of May, 1944. Those working hours were came to be reduced to 40½ hours from 1-6-1944. This position lasted upto 18-5-1947. Then the working hours were reduced to 33½. The working hours were increased to 42½ hours.

5. Thereafter the working hours were as follows :

- (a) From 17-4-1950 to 26-11-1962—36 hours a week
- (b) From 27-11-1962 to 30-9-1964—40½ hours a week
- (c) From 1-10-1964 to 30-11-1967—40 hours a week
- (d) From 1-12-1967 to 31-12-1968—36 hours a week
- (e) From 1-1-1969 onwards —37½ hours a week

6. The Government of India decided to change the working hours and send a memorandum dated 21-5-1985 (Exhibit 'A' of statement of claim) to that effect. Later on it is communicated by Under Secretary, Government of India that the orders contained in the earlier communications were only covering civil administrative Officer of the Government of India whose functions are broadly of secretarial nature and it does not cover industrial undertakings (Exhibit 'B' statement of claim).

7. On 7-11-1986 the Director in the Ministry of Personnel (public grievance and pension) (department of personnel and training) Government of India referred to the 4th Pay Commission's recommendations to the fact that working hours of the Office staff in the Government of India should be increased keeping in view the need to maintain and improve the level of productivity. The General Manager Currency Note Press by its Press order dated 15-11-1986 referred to the said Office memorandum and stated that the working hours of the ministerial staff of Currency Note Press Officers

कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-95 को प्राप्त हुआ था।

[संख्या एल-40012/48/89-डी-2(बी)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi the 26th October, 1995

S.O. 3092.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947, the Central Government hereby publishes the award of the Industrial Tribunal Kota as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telegraph and their workmen, which was received by the Central Government on 26th October, 1995.

[No. L-40012/48/89-D2(B)  
K. V. B. UNNY Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज./  
निर्देश प्रकरण क्रमांक : ओ. न्या. (केन्द्रीय) - 1/90

दिनांक स्थापित : 16/4/91

प्रसंग : भारत सरकार श्रम मंत्रालय, नई दिल्ली के आदेश

संख्या एल-40012/48/89-डी-2(बी)

दिनांक 30/10/89

औद्योगिक विवाद अधिनियम, 1947

मध्य

सुरेश चन्द्र शर्मा द्वारा श्री प्रिजेन्द्र विहारी शर्मा,

161 पुरोहित मोहल्ला, भरतपुर।

—प्रार्थी श्रमिक

एवं

सब डिविजनल ऑफिसर (टेलीग्राफ) सवाई माधोपुर।

—प्रतिपक्षी नियोजक

उपस्थित

श्री आर.के. आचान,

आर.एच.जे.एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि :- श्री वृजबिहारी शर्मा/

श्री एन.के. तिथारी

प्रतिपक्षी नियोजक की ओर से प्रतिनिधि श्री एच.एल. गुप्ता  
अधिनिर्णय दिनांक 20-9-95

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1) (घ) व उपधारा (2-ग) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :-

"Whether the action of the Sub-Divisional Officer (Telegraph), Sawalmadhopur in terminating the services of Shri Suresh Chand, Casual Labour w.e.f. 1-8-87 is justified? If not, what relief the workman is entitled to?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी। प्रार्थी सुरेश चन्द्र शर्मा द्वारा प्रस्तुत क्लेम स्टेटमेंट के अनुसार संक्षेप में तथ्य इस प्रकार हैं कि प्रार्थी प्रारम्भ में सहायक अभियन्ता, तार दूर संचार रेलवे विद्युतीकरण, सवाई माधोपुर के यहाँ अगस्त, 85 से जून, 86 तक कार्य किया व उसके बाद 1-7-86 से लगातार 30-6-87 तक लगातार सब डिविजनल ऑफिसर (तार) के यहाँ कार्य किया। इस प्रकार प्रार्थी ने प्रतिपक्षी के अधीन सेवा समाप्त करने से पूर्व 12 माह में लगातार 350 दिन की सेवा पूर्ण की। प्रार्थी की जानकारी के अनुसार निम्नलिखित मस्ट्रोल्स व माह में प्रतिपक्षी के यहाँ उपस्थितियां रही :-

माह	मस्ट्रोल नं.	माह	मस्ट्रोल नं.
7/87	72/83	6/87	6/4
5/87	5/40	4/87	4/22
3/87	4/10 व 3/90	2/87	3/4
1/87	2/22	12/86	2/11
11/86	42/6	10/86	14/1
9/86	3/1	8/86	2/1

3. प्रार्थी ने आगे क्लेम में कहा है कि जब प्रार्थी 12 माह में 350 दिन एवं 240 दिन से अधिक समय तक सेवा पूर्ण कर चुका था तो प्रतिपक्षी द्वारा नियमानुसार छंटनी की क्षतिपूर्ति की जानी चाहिए थी। प्रतिपक्षी ने प्रार्थी को सेवा समाप्त करने से पूर्व न तो छंटनी की क्षतिपूर्ति दी और न नोटिस अथवा नोटिस वेतन दिया। इस प्रकार प्रतिपक्षी ने अधिनियम की धारा 25-एफ के प्रावधान के विपरीत प्रार्थी की सेवा समाप्त की। प्रार्थी को प्रतिपक्षी द्वारा सेवा समाप्त करने से पूर्व कोई कारण नहीं बताया गया। इस प्रकार प्रार्थी की सेवा समाप्ति धारा 25-एफ(ए) के विपरीत है। प्रार्थी की सेवा समाप्त करने से पूर्व कोई वरिष्ठता सूची नहीं बनाना केन्द्रीय औद्योगिक विवाद नियमों के नियम 77 के विरुद्ध है जबकि इन नियमों के तहत ऐसी वरिष्ठता सूची की प्रति 7 दिवस पूर्व देना आवश्यक है जिससे श्रमिक अपना पक्ष प्रस्तुत कर सके। प्रार्थी को प्रतिपक्षी ने सेवा समाप्ति से पूर्व सुनवाई का अवसर नहीं दिया इसलिए प्रार्थी की सेवायें समाप्त करना प्राकृतिक न्याय सिद्धांतों के विपरीत है। प्रतिपक्षी द्वारा प्रार्थी की सेवायें दुर्भाग्य से समाप्त की गयी जिससे कि प्रार्थी स्थायी होने का हकदार न माना जाये जोकि अनुचित श्रम आचरण है। प्रतिपक्षी द्वारा प्रार्थी को मौखिक

नई दिल्ली, 26 अक्टूबर, 1995

का.आ. 3091—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडिया सेक्यूरिटी प्रेस के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 अक्टूबर, 95 को प्राप्त हुआ था।

[संख्या एल-16011/3/92-आईआर (डीयू)]

के.वी.वी. उन्नी, डेस्क अधिकारी

New Delhi, the 26th October, 1995

S.O. 3091.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure. in the industrial dispute between the employers in relation to the management of Indian Security Press and their workmen, which was received by the Central Government on 24-10-1995.

[No. L-16011/3/92-IR (DU)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

#### PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/86 of 1993

Employers in relation to the management of India Security Press and Currency Note Press, Nasik

AND

Their Workmen.

#### APPEARANCES :

For the Employer—Shri P. M. Pradhan, Advocate.

For the Workmen—Shri S. M. Dharap, Advocate.

Bombay, the 10th October, 1995

#### AWARD

Government of India Ministry of Labour by its letter No. L-16011/3/92-IR (DU) dated 11-11-1993 had referred to the following industrial dispute for adjudication.

#### SCHEDULE

"Whether the action of the management of India Security Press, Nasik and Currency Note Press, Nasik in issuing the notice of change dated 8-10-91 proposing to increase weekly hours of work from 37½ to 44 per week in respect of ministerial staff namely clerks, office peons, record sorters, and

medical staff is justified in view of agreement dated 11-5-1988 signed between the two managements and the workmen in conciliation before Conciliation Officer and ALC (C)-III, Bombay? If not, what relief the workmen concerned are entitled to?"

2. The General Secretary India Security Press and Currency Note Press staff union have filed a statement of claim at Exhibit 2. Indian Security Press and Currency Note Press have filed their written statement at Exhibits '3' and '4' respectively.

3. The admitted facts can be summarised as follows :

Initially India Security Press as well as Currency Note Press were not different organisations but entire work was being undertaken by one organisation that is India Security Press which came to be established at Nasik in the year 1925. It came to be bifurcated later on. So far as these 2 establishments are concerned the staff is divided into 2 categories namely ministerial staff and non-ministerial staff. Non-ministerial staff includes both industrial staff (non-classified workmen) and non-industrial sub-staff (classified workmen).

4. From 4th of September, 1925 to 31st of March, 1935 the working hours were 36 hours a week which subsequently came to be changed from 1st of April, 1935 to 42½ hours. It continued upto 31st of May, 1994. Those working hours were came to be reduced to 40½ hours from 1-6-1944. This position lasted upto 18-5-1947. Then the working hours were reduced to 33½. The working hours were increased to 42½ hours.

5. Thereafter the working hours were as follows :

- (a) From 17-4-1950 to 26-11-1962—36 hours a week
- (b) From 27-11-1962 to 30-9-1964—40½ hours a week
- (c) From 1-10-1964 to 30-11-1967—40 hours a week
- (d) From 1-12-1967 to 31-12-1968—36 hours a week
- (e) From 1-1-1969 onwards —37½ hours a week

6. The Government of India decided to change the working hours and send a memorandum dated 21-5-1985 (Exhibit 'A' of statement of claim) to that effect. Later on it is communicated by Under Secretary, Government of India that the orders contained in the earlier communications were only covering civil, administrative Officer of the Government of India whose functions are broadly of secretarial nature and it does not cover industrial undertakings (Exhibit 'B' statement of claim).

7. On 7-11-1986 the Director in the Ministry of Personnel (public grievance and pension) (department of personnel and training) Government of India referred to the 4th Pay Commission's recommendations to the fact that working hours of the Office staff in the Government of India should be increased keeping in view the need to maintain and improve the level of productivity. The General Manager Currency Note Press by its Press order dated 15-11-1986 referred to the said Office memorandum and stated that the working hours of the ministerial staff of Currency Note Press Officers

are increased from 37½ to 40 hours w.e.f. 7-11-1986 (Exhibit 'D'). Later on Rajiv Kalshi, Special Officer by his communication dated 24-12-1986 (Exhibit 'E') informed the Press that the Office memorandum dated 7-11-1986 is not applicable to the Security Press.

8. On 16-1-1988 the General Manager Currency Note Press issued a notice of change under Section 9-A of the I. D. Act informing that it was proposed to increase the working hours from 37½ hours to 44 hours w.e.f. 7-2-88 (Exhibit 'F'). In response to the said notice the Union sent notice dated 25-1-1988 (Exhibit 'G') stating that if such change is effected they will proceed with an indefinite strike. In pursuance of the said notice the dispute was admitted in conciliation as per provision of Section 20 of the Industrial Disputes Act, 1947. At last on 11-5-1988 before the Conciliation Officer it was agreed that the parties should await till decision of the Calcutta High Court before which the same issue is pending (Exhibit 'H' minutes of the said conciliation).

9. B. S. Lalchandani, Deputy General Manager and head of the department wrote a letter to the Chief Labour Commissioner referring to the earlier notice of change dated 16-1-1988 and enclosing therewith a copy of a notice dated 8-10-1991 issued under Section 61(10) of the Factories Act, 1948. It is mentioned therein the working hours would be revised from 37½ to 44 hours and thereafter had given the details of change of working hours. (Exhibit 'I' of the notice) The Union promptly replied the notice (Exhibit 'J') in the said reply the union narrated the earlier history. The Assistant Labour Commissioner immediately wrote a letter (Exhibit 'L') dated 11-10-1991 and informed the General Manager of the Currency Note Press not to effect the change. In conciliation proceeding the management took a stand that they acted under the instructions of Ministry of Finance department and economic affairs. Detail submissions were made before the Assistant Labour Commissioner. The matter could not be settled. He therefore sent failure report to the Government. The Government declined to make a reference. It is, therefore, the Union filed a Writ Petition and filed an application before the Central Administrative Tribunal. But meanwhile both the presses gave effect to the said notice of change w.e.f. 16th of July, 1992. The Central Administrative Tribunal directed the Government to make a reference of the said dispute to the Industrial Tribunal. In pursuance of the said order the above said reference is made to this Tribunal.

10. The union contended that the action of the management to change the working hours, contrary to the agreement is illegal. Decision of the Calcutta High Court is still awaited. It is aver that notice of change under Section 9-A is required to be given for effecting the change which the management had not given in the present matter. It is submitted that the notice which alleged to be given under Factories Act is not just and proper. It is submitted that the action of the management of taking advantage of the 4th Pay Commission is baseless and the recommendations alleged to have been made by the 4th Pay Commission are not like that which the management suggest. It is, therefore, prayed that it may be declared that the action of the management to increase the working hours from 37½ to 44 per week in respect of the managerial staff is unjust and illegal, that the workers are entitled to overtime from 15th of July, 1992 above the period of 37½ hours to 44 hours that the action of the management issuing notice dated 18-10-1991 is a breach of the agreement dated 11-05-1988 and for other relief.

11. While resisting the claim the management contended that their action is just and legal. The working hours were changed from time to time. It is the right of the management to change the working hours of the employees within the limits as prescribed by statute which is being done in the present case by issuing notice as contemplated by provisions of Section 9-A of the Industrial Disputes Act of 1947. It is submitted that Factories Act provides maximum working hours as 48 hours per week and therefore increase in the hours of work by notice under section 9A of the Industrial Disputes Act is within the limit prescribed by the Factories Act

and cannot be held to be arbitrary. It is aver that the revised 44 working hours per week have been implemented for the Security Paper Mill at Hosbangabad (M.P.) and also at Bank Note Press Devas (M.P.) and at Government Mint at Noida (U.P.). In so far as Government Mint at Bombay and Calcutta is concerned both the industrial as well as ministerial staff have 37½ working hours a week. Therefore the comparison of working hours of the workers of the above mills with other Press cannot be said to be relevant and justified.

12. It is submitted that in view of the 4th Pay Commission to remove the disparity between working hours between the same categories of workers. The decision was taken to increase the working hours. It is submitted that under such circumstances the claim of the Union deserved to be rejected on all accounts.

13. The issues that fall for my consideration and my findings thereon are as follows :

ISSUES	FINDINGS
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- |  |                              |
|--|------------------------------|
| 1. Whether the action of the management of India Security Press Nasik and Currency Note Press in issuing the notice of change dated 8-10-1991 proposing to increase weekly working hours of work from 37½ to 44 per week in respect of ministerial staff namely clerks, office peons, record sorters and medical staff would justify in view of agreement dt. 11-5-86 signed between the management and the workers in conciliation before Conciliation Officer and ALC(C) III, Bombay ? | The action is not justified. |
| 2. If not what relief the workmen are entitled to ?  | As per Order below           |

#### REASONS

14. Sandeep Kumar Biswas (Exhibit 13) led evidence on behalf of the Union as against that B. S. Lalchandani (Exhibit 10) the Deputy General Manager of the India Security Press led evidence on behalf of the management. Lalchandani was cross-examined by the Union. But so far as Sandeep Kumar is concerned he was not cross-examined. It is submitted before me that the case is not based on oral evidence but is on documentary evidence. The documents are produced on the record. I find substance in the same.

15. Exhibit '14' is the minutes of the conciliation proceeding held before the Assistant Labour Commissioner dt. 11-5-1988. It is observed by the Assistant Labour Commissioner that "During the conciliation proceeding it was revealed that the Calcutta High Court has given a stay restraining the management of Calcutta Mint not to increase the working hours till the final disposal of the Writ Petition filed by the Calcutta Mint Accounts Association. The decision of the Government, Ministry of Finance is to implement the increase in the working hours simultaneously and uniformly in all the Mints and presses of the country. Accordingly, in view of above, on the request of the Assistant Labour Commissioner. The management agreed :

1. To await for decision of the Calcutta High Court regarding the increase in the working hours and not to implement/enforce the changes proposed vide their Notice dated 16-1-1988 for the time being.
2. The Union has agreed to withdraw the strike Notice served on the Management of Currency Note Press and India Security Press with immediate effect.
3. Both the management and the Union have agreed to ensure the health state of industrial relations in the India Security Press and Currency Note Press.

Accordingly the conciliation proceedings concluded and the dealing with strike Notice of India Security Press/Currency Note Press is treated as closed.

16. It is not in dispute that the L.P.A. in Writ Petition filed before the Calcutta High Court is still pending and stay continued. If this is so in view of the agreement stated above



the management had to wait and it cannot act on the notice dt. 16-1-1988. The action of the management acting on the said notice is unjust and illegal. If the management is allowed to do so then the whole purpose of the conciliation proceeding before the Assistant Labour Commissioner will come to an end. There will not be any sanctity. The parties will never agree for coming to any settlement if the management or for the sake of arguments the Union tried to act contrary to the terms of the agreement. I, therefore, find that this action of the management is unjust.

17. Management had given a notice on 8th of October, 1991 (Exhibit 'T') to the Chief Labour Commissioner, New Delhi. The subject mentioned there is the notice under sub-section 10 of 61 of the Factories Act of 1948. Even though the heading is like this what is purported to be done by this notice is that the earlier notice which is dated 16th of January is tried to be revived. The word used is in continuation of the India Security Press letter No. 16751/CS/k-41 dated 16th of January, 1988 forwarding herewith a copy of a notice issued under section 9A of the Industrial Disputes Act of 1947. Alongwith that a notice under sub-section 10 of Section 61 of the Factories Act of 1948 issued to increase the working hours. This notice was replied by the Union promptly. It can be seen that by issuing this notice the management had set aside the terms of the agreement dated 11-5-1988. At that time it was agreed that the management will not effect the terms of the notice dated 16-1-1988 but by the Notice dated 18th of October, 1991 they acted contrary to that. This is not permissible. It is illegal.

18. Exhibit 11 is letter by one Bhurelal the Joint Secretary of the Government of India. This letter is addressed to the General Manager Currency Note Press, Nasik. He was informed that the working hours are to be increased from 37-1/2 hours to 44 hours per week. They considered the point whether a notice under section 9A of the Industrial Disputes Act is required to be given or not. The Government came to the conclusion that the notice is required to be given which appears from this letter and decided to issue such notice simultaneously in all establishments on 16th of January, 1988. It is, therefore, very clear that in view of such instructions the management decided to issue a notice under section 9A of the Act. In a notice dated 8-10-1991 the management tried to create a composite notice one under Factories Act and other under section 9A of the Industrial Disputes Act. I have to say that so far as the notice under section 9A of the Industrial Disputes Act is concerned it was dated 16th January, 1988 which tried to be revived. But in fact which could not be in view of the agreement before the Assistant Labour Commissioner.

19. Section 61 of the Factories Act deals with notice of period for work for adults. Sub-section 2 of section 61 states that the periods shown in the notice require by sub-section 1 of section 61 shall be fixed before hand in accordance with the following provisions of this section and there should not be any contravention of any of the provisions of section 51 to 56 and 58. There cannot be any dispute for implementation of section 60 of the Factories Act whenever it is required. But so far as the Press is concerned admittedly the notice under section 9A of the Industrial Disputes Act is required to be given for any change.

20. Here in this case the management agreed for not giving effect to the notice of change under section 9A of the Industrial Disputes Act till the decision in the Writ Petition filed before the Calcutta High Court.

21. So far as effecting change in the working hours are concerned it is tried to argue on behalf of the management with support of the decision of the Supreme Court Judgement that is their right. There is no dispute over this proposition but what is to be seen in this reference is whether in view of the agreement the management can effect such a change at this juncture. The answer has to be in the negative.

22. It is tried to submit on behalf of the management that the Central Administrative Tribunal at Hyderabad and Jabalpur by their Judgement dated 16th May, 1988 and 22nd August, 1988 have come to the conclusion that change in the working hours which is tried to be effected by notice dated 16th January, 1988 is just legal and proper. On this basis the Government declined to make a reference in res-

pect of to the dispute which was raised by the present Union. When the matter came before the Central Administrative Tribunal, Bombay his Lordship Justice Deshpande considered the above said 2 Judgements and came to the conclusion that they are not applicable to the present set of facts and directed to the Central Government to make reference. On the basis of the observation of his Lordship Mr. Dharap the Learned Advocate for the Union argued that the decision given by this Central Administrative Tribunal cannot be said to be applicable in the present reference. I am not inclined to accept this because what is observed by Central Administrative Tribunal, Bombay relates only to the effect of making reference and nothing more than that. But so far as decision of those Central Administrative Tribunals are concerned there the question of an agreement before the Conciliation Officer was not there. It is, therefore, I find at this juncture those rulings have no application. While answering this reference what I have to see is whether there is a breach of agreement committed by the management or not. It is not necessary for me to discuss whether the management had a right to increase the working hours or not. I therefore, find that those Judgements have no application.

23. Mr. Dharap the Learned Advocate for the union argued that the management wants to take an advantage of the recommendations of the 4th Pay Commission. He submitted that in 4th Pay Commission the uniform working hours were tried to be made 40 per week. But what the management wanted today to increase the working hours for 44 hours per week which cannot be permitted. For the above said reasons it is not necessary to dilate on this submissions.

24. In past whenever the management tried to increase working hours about 37-1/2 hours per week, the workers claimed overtime by filing an application under section 33C(2) of the Industrial Disputes Act. The applications were heard on merit and the Labour Court came to the conclusion that the workers are entitled to get the overtime above 37-1/2 hours per week. Herein this case as the management had in violation of the agreement, increased the working hours from 37-1/2 to 44 hours per week, the workers are entitled to get the overtime for the said period that is from 16th July, 1992.

25. For all these reasons I record my findings on the issues accordingly and pass the following Award.

#### ORDER

1. The action of the management of India Security Press, Nasik and Currency Note Press, Nasik in issuing the notice of change dated 8th October 1991 proposing to increase weekly hours of work from 37-1/2 to 44 hours per week in respect of ministerial staff namely clerks, office peons, record sorters, and medical staff is not justified in view of agreement dated 11th May, 1988 signed between the two managements and the workmen in conciliation before Conciliation Officer and ALC(C-III) Bombay.
2. It is hereby declared that the workmen who were required to work for more than 37-1/2 hours a week on and from 16th July, 1992 are entitled to overtime at the usual rates as per the provisions of law.
3. The management is directed to make the payment of overtime to all such workers within 3 months from today.
4. The management to pay Rs. 300 (Rupees three hundred only) as cost of this reference to the Union.

S. B. PANSE, Presiding Officer

नई दिल्ली, 26 अक्टूबर, 1995

का.प्रा. 3092.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेनीसग्राफ के प्रबन्धन के संबंध में निम्नलिखित और उनके

कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-95 को प्राप्त हुआ था।

[संख्या एल-40012/48/89-डी-2(बी)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi the 26th October, 1995

S.O. 3092.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947, the Central Government hereby publishes the award of the Industrial Tribunal Kota as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telegraph and their workmen, which was received by the Central Government on 26th October, 1995.

[No. L-40012/48/89-D2(B)]  
K. V. B. UNNY Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज./  
निर्देश प्रकरण क्रमांक : ओ. न्या. (केन्द्रीय)-1/90

दिनांक स्थापित : 16/4/91

प्रसंग : भारत सरकार श्रम मंत्रालय, नई दिल्ली के आदेश

संख्या एल-40012/48/89-डी-2(बी)

दिनांक 30/10/89

औद्योगिक विवाद अधिनियम, 1947

मध्य

सुरेश चन्द्र शर्मा द्वारा श्री प्रिजेन्द्र बिहारी शर्मा,

161 पुरोहित मोहल्ला, भरतपुर।

—प्रार्थी श्रमिक

एवं

सब डिविजनल ओफिसर (टेलीग्राफ) सवाई माधोपुर।

—प्रतिपक्षी नियोजक

उपस्थित

श्री आर.के. चाचान,

आर.एच.जे.एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि :- श्री बृजबिहारी शर्मा/

श्री एन.के. तिवारी

प्रतिपक्षी नियोजक की ओर से प्रतिनिधि श्री एच.एल. गुप्ता

अधिनिर्णय दिनांक 20-9-95

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1) (घ) व उपधारा (2-ग) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :-

"Whether the action of the Sub-Divisional Officer (Telegraph), Sawaimadhopur in terminating the services of Shri Suresh Chand, Casual Labour w.e.f. 1-8-87 is justified? If not, what relief the workman is entitled to?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर वर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी। प्रार्थी सुरेश चन्द्र शर्मा द्वारा प्रस्तुत क्लेम स्टेटमेंट के अनुसार संक्षेप में तथ्य इस प्रकार हैं कि प्रार्थी प्रारम्भ में सहायक अभियन्ता, तार दूर संचार रेलवे विद्युतीकरण, सवाई माधोपुर के यहां अगस्त, 85 से जून, 86 तक कार्य किया व उसके बाद 1-7-86 से लगातार 30-6-87 तक लगातार सब डिविजनल ऑफिसर (तार) के यहां कार्य किया। इस प्रकार प्रार्थी ने प्रतिपक्षी के अधीन सेवा समाप्त करने से पूर्व 12 माह में लगातार 350 दिन की सेवा पूर्ण की। प्रार्थी की जानकारी के अनुसार निम्नलिखित मस्ट्रोल्स व माह में प्रतिपक्षी के यहां उपस्थितियां रही :-

माह	मस्ट्रोल नं.	माह	मस्ट्रोल नं.
7/87	72/83	6/87	6/4
5/87	5/40	4/87	4/22
3/87	4/10 व 3/90	2/87	3/4
1/87	2/22	12/86	2/11
11/86	42/6	10/86	14/1
9/86	3/1	8/86	2/1

3. प्रार्थी ने आगे क्लेम में कहा है कि जब प्रार्थी 12 माह में 350 दिन एवं 240 दिन से अधिक समय तक सेवा पूर्ण कर चुका था तो प्रतिपक्षी द्वारा नियमानुसार छंटनी की क्षतिपूर्ति की जानी चाहिए थी। प्रतिपक्षी ने प्रार्थी को सेवा समाप्त करने से पूर्व न तो छंटनी की क्षतिपूर्ति दी और न नोटिस अथवा नोटिस वेतन दिया। इस प्रकार प्रतिपक्षी ने अधिनियम की धारा 25-एफ के प्रावधान के विपरीत प्रार्थी की सेवा समाप्त की। प्रार्थी को प्रतिपक्षी द्वारा सेवा समाप्त करने से पूर्व कोई कारण नहीं बताया गया। इस प्रकार प्रार्थी की सेवा समाप्ति धारा 25-एफ(ए) के विपरीत है। प्रार्थी की सेवा समाप्त करने से पूर्व कोई बरिष्ठता सूची नहीं बनाना केन्द्रीय औद्योगिक विवाद नियमों के नियम 77 के विरुद्ध है जबकि इन नियमों के तहत ऐसी बरिष्ठता सूची की प्रति 7 दिवस पूर्व देना आवश्यक है जिससे श्रमिक अपना पक्ष प्रस्तुत कर सके। प्रार्थी को प्रतिपक्षी ने सेवा समाप्ति से पूर्व सुनवाई का अवसर नहीं दिया इसलिए प्रार्थी की सेवाएं समाप्त करना प्राकृतिक न्याय सिद्धांतों के विपरीत है। प्रतिपक्षी द्वारा प्रार्थी की सेवाएं दुर्भाग्यना से समाप्त की गयी जिससे कि प्रार्थी स्थायी होने का हकदार न माना जाये जोकि अनुचित श्रम आचरण है। प्रतिपक्षी द्वारा प्रार्थी को मौखिक

आदेश दि. 1/8/87 से सेवा से पृथक् कर दिया व लिखित में कोई आरोप-पत्र सेवा समाप्ति बाबत नहीं दिया गया इस प्रकार सेवा समाप्ति अनुचित व अवैध है। प्रार्थी की सेवा समाप्ति पूर्व प्रार्थी को कोई पत्र नहीं भिजवाया गया। आजकल नियोजक का यह फैशन हो गया है कि वह श्रमिक के सम्बन्ध में यह कह देता है कि श्रमिक स्वेच्छा से कार्य छोड़ कर चला गया है, जो कथन पूर्णतया असत्य है। प्रार्थी के पार्थ-माय मुक्ता व रजेशन व समुन्दर सिंह वगैरह की उपस्थितियाँ एक ही मस्ट्रीन में रहती थी जो हर माह श्रमिकों के लिए जारी की जाती थी। इस प्रकार प्रतिपक्षी द्वारा प्रार्थी की 1/8/87 से की गयी सेवा समाप्ति को अनुचित श्रम आचरण मानते हुए प्रार्थी को उससे पूर्व पद पर 1-8-87 से लगातार सेवा में मानते हुए पिछले सम्पूर्ण वेतन व अन्य सभी लाभों सहित सेवा में बहाल किया जाये।

4. प्रतिपक्षी ने प्रार्थी के क्लेम का जवाब प्रस्तुत किया है कि प्रार्थी ने जो क्लेम के पैरा सं. 1 से 3 में सेवा का समय अगस्त, 85 से जून, 86 व 1/7/86 से 30/6/87 तक का प्रतिपक्षी के यहाँ बताया है वह पूर्ण रूप से स्वीकार नहीं है। प्रार्थी की उपस्थिति प्रार्थी द्वारा कथित मस्ट्रीन में नहीं है। प्रार्थी स्वयं अपनी हठानुभावा से कार्य छोड़कर चला गया था इसलिए छंटनी का कोई मुआवजा व नोटिस देने का प्रश्न नहीं उठता। चूंकि प्रार्थी स्वयं ही बिना कोई सूचना के कार्य छोड़कर गया था, अतः नियमानुसार औद्योगिक विवाद अधिनियम का फायदा नहीं उठा सकता। प्रार्थी को कभी प्रतिपक्षी ने सेवा में लाने का आश्वासन व नियुक्ति-पत्र नहीं दिया व न ही प्रार्थी इस सब डिब्रिजेशन में स्पॉन्सर हुआ था क्योंकि दूर संचार विभाग के सीओ नं. 270/6/84 एम. टी.एन. दि. 22/4/87 एण्डोर्स बाइड महाप्रबन्धक दूर संचार भर्ती 2-30:85 के. डब्ल्यू. दि. 1/5/87 के तहत प्रिंटी भी आकस्मिक मजदूर की शर्तों नहीं की जा सकती। यदि यह श्रमिक 31/3/85 के बाद स्पॉन्सर्ड हो, विशेष रूप से प्रार्थी को मोमयीय कार्य के लिए जितने दिन काम उनसे डाम के आधार पर बुलाया गया था, उसका भुगतान उसे कर दिया गया है। अतः प्रार्थी का क्लेम खारिज किया जावे।

5. प्रार्थी सुरेशचन्द्र ने स्वयं की साक्ष्य में स्वयं का तथा प्रतिपक्षी की ओर से अक्षयप्रसिद्ध का शपथ-पत्र प्रस्तुत किया है। इन दोनों गवाहों से आपस में एक-दूसरे पक्ष द्वारा चिरह की गयी है। वह इस अन्तिम सुनवाई व एपेलाबली का अवलोकन किया गया।

6. मैं दोनों पक्षों की बहस का विश्लेषण करने से पूर्व यह स्पष्ट करना चाहता हूँ कि जहाँ तक प्रार्थी के द्वारा प्रतिपक्षी के यहाँ 1/7/86 से 30/6/87 तक कार्य किया गया एवं प्रतिपक्षी के अधीन गया समाप्ति से पूर्व 12 माह में अनुमान 350 दिवस की सेवा पूर्ण कर चुका है, इस तथ्य पर प्रतिपक्षी के विद्वान प्रतिनिधि ने कोई आपत्ति मेरे समक्ष 2698 GI/95-4.

बहुत के दौरान नहीं उठायी है बल्कि प्रतिपक्षी के विद्वान प्रतिनिधि ने इस कथन को स्वीकार किया है, अतः मेरे समक्ष सेवा अवधि के बारे में कोई विवाद नहीं है। इस मामले में महत्वपूर्ण विवाद यही है कि क्या प्रार्थी स्वेच्छा से नौकरी प्रतिपक्षी के यहाँ से छोड़कर गया था प्रतिपक्षी ने प्रार्थी को नौकरी से हटाया एवं यदि प्रार्थी नौकरी पर नहीं आया भी तो प्रतिपक्षी का यह दायित्व था कि वह प्रार्थी को उसके उपस्थित नहीं आने पर नोटिस देता एवं उपस्थित नहीं होने की जांच करने के पश्चात् ही सेवा समाप्त करता?

7. प्रार्थी की ओर से विद्वान प्रतिनिधि ने इस बिन्दु पर यह बहस की कि प्रार्थी ने प्रतिपक्षी के यहाँ 1/7/86 से 30/6/87 तक लगातार कार्य किया एवं उसके बाद 1/8/87 को प्रतिपक्षी ने प्रार्थी की सेवाये मौखिक आदेश से समाप्त की परन्तु प्रार्थी की सेवा समाप्ति से पूर्व अधिनियम की धारा 25-एफ के तहत स्वीकृत रूप से पाचना नहीं की। विद्वान प्रतिनिधि ने अपनी इस बहस की तार्किकता में कि प्रार्थी यदि नौकरी पर नहीं भी आया तो प्रतिपक्षी का यह दायित्व था कि प्रतिपक्षी प्रार्थी को यह नोटिस देता कि वह नौकरी पर हाजिर हो एवं उसकी जांच करने के बाद ही प्रार्थी की सेवा समाप्त की जा सकती थी, दो न्यायिक दृष्टांत "1987 (55) एफ.एल.आर.-689-गुरुशंकर विश्वकर्मा बनाम ईगल स्प्रिंग इंडस्ट्रीज प्रा. लि. तथा 1991 (63) एफ.एल.आर. 678-रियाज अहमद बनाम मुनीर इस्माईल मोहम्मद आफ बाम्ब्रे" को पेश किया है।

8. प्रतिपक्षी की ओर से विद्वान प्रतिनिधि ने यह स्वीकार किया है कि प्रार्थी को प्रतिपक्षी ने अधिनियम की धारा 25-एफ के प्रावधानान्तर्गत एक माह का नोटिस अथवा नोटिस वेतन व छंटनी का मुआवजा नहीं दिया व न ही प्रार्थी के अनुपस्थित होने पर उसे नौकरी पर आने के लिए अथवा सेवा समाप्त करने से पूर्व कोई नोटिस दिया और न कोई जांच की।

9. अब पक्षकारों की साक्ष्य का संक्षेप में विश्लेषण किया जाना उचित होगा। प्रार्थी ने अपने शपथ-पत्र में यह कहा है कि मैंने प्रतिपक्षी के यहाँ 1/7/86 से 31/7/87 तक 13 माह की अवधि में 350 दिवस से अधिक की सेवा पूर्ण की। प्रार्थी ने अपनी उपस्थिति के बारे में भी अपनी मस्ट्रीन का हवाला शपथ-पत्र में देते हुए 363 दिन प्रतिपक्षी के यहाँ कार्य करना कहा है वह यह भी कहा है कि प्रतिपक्षी द्वारा 1/8/87 से उसे कार्य पर नहीं रखा गया व बिना कोई छंटनी मुआवजा, नोटिस दिये 1/8/87 से सेवा से समाप्त कर दिया। प्रार्थी की सेवा समाप्त करने से पूर्व बरिष्ठता सूची का कोई प्रकाशन नहीं किया व न ही सेवा समाप्ति का कोई कारण बताया गया। प्रार्थी स्वेच्छा से नौकरी छोड़कर नहीं गया बल्कि उसे नौकरी से पृथक् किया गया था। प्रार्थी ने अपनी जिरह में यह कहा है कि मैंने प्रतिपक्षी के

यहां 13 माह तक लगातार कार्य किया था। मुझे किसी अधिकारी ने लिखकर नहीं दिया कि काम पर नहीं लेंगे। यह गलत है कि मैंने स्वयं ने ही काम पर आना बन्द किया हो। अगस्त, 87 में एम. डी. ग्रो. मा. के काम काम पर लेने के लिए चार-पांच बार गया था व अक्टूबर में तीन-चार बार गया था। मैंने इन दिनों काम पर हाजिर हूँ, मुझे काम दो, यह लिखकर नहीं दिया। मैंने लिखित नोटिस नहीं भिजवाया।

10. प्रतिपक्षी के गवाह लम्पणसिंह ने अपने शपथ-पत्र में कहा है कि प्रार्थी ने 31/7/87 के उपरान्त स्वेच्छा से ही कार्य पर आना बन्द कर दिया। प्रार्थी ने कभी कार्य बन्द करने अथवा नहीं आने का नोटिस नहीं दिया। इस गवाह ने जिरह में यह स्वीकार किया है कि जून, 87 में विभाग के अधिकारी श्री रेड्डी के आदेश थे कि सभी आकस्मिक श्रमिकों को नोटिस व मुआवजा देकर हटा दिया जावे जोकि 3/85 के बाद कार्य पर आये हों, परन्तु प्रार्थी स्वेच्छा से कार्य छोड़कर चला गया था। मैं यह नहीं बता सकता कि अगस्त, 87 की मस्ट्रोल पेश नहीं करने के क्या कारण हैं? मैंने किसी आकस्मिक श्रमिक को नौकरी से नहीं हटाया, सभी श्रमिक स्वेच्छा से कार्य छोड़कर चले गये। दि. 1/8/87 के बाद जो श्रमिक काम छोड़कर चले गये उनको कोई नोटिस नहीं दिया गया व न ही अपने अधिकारी को इस बात का कोई पत्र लिखा। यह बात भी सही है कि प्रार्थी को मौनमी कार्य के बारे में कभी पत्र नहीं दिया गया।

11. प्रार्थी द्वारा प्रार्थी को नौकरी पर नहीं लिया तो प्रतिपक्षी के विरुद्ध समझौता अधिकारी के यहां विवाद उठाया व असफल धार्ता रहने पर केन्द्र सरकार ने यह विवाद इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषण किया। प्रार्थी द्वारा साक्ष्य में यह कहना कि वह प्रतिपक्षी नियोजक के पास बार-बार नौकरी पर गया उसके बावजूद उसे नौकरी पर नहीं लिया, इसे न मानने का कोई कारण मेरे समक्ष नहीं है, विशेष रूप से ऐसी परिस्थितियों में जबकि प्रथम तो नौकरी मिलना ही दुर्लभ है एवं कोई व्यक्ति नौकरी पाने के बाद जब उसका कोई अधिकार प्राप्त हो जाता है तो वह स्वेच्छा से साधारणतया अनुपस्थित नहीं हो सकता। प्रतिपक्षी के गवाह लम्पणसिंह ने यह स्वीकार किया है कि प्रार्थी के अनुपस्थित होने पर कोई नोटिस सेवा पर उपस्थित होने का नहीं दिया गया व न ही इस बारे में कोई जांच की गयी। प्रार्थी के विद्वान प्रतिनिधि ने जो उक्त दो नजीरों दौगन बहम मेरे समक्ष प्रस्तुत की हैं, मैंने उन दोनों ही नजीरों में प्रतिपादित सिद्धांतों का अवलोकन किया। मेरी राय में इन दोनों ही नजीरों में यह सिद्धांत प्रतिपादित किया गया है कि प्रतिपक्षी नियोजक का यह दायित्व था कि वह प्रार्थी को यदि वह नौकरी पर अनुपस्थित रहा है तो भी उसे नौकरी पर वापस आने के लिए नोटिस दिया जाना, उसकी जांच की जानी और उसके बाद ही प्रार्थी को सेवायें समाप्त करना। प्रतिपक्षी के विद्वान प्रतिनिधि ने इस तथ्य को स्वीकार किया है कि उन्होंने इस प्रकार की कोई पालना नहीं की। अतः

मैं उक्त दोनों नजीरों „1987(55)एफ.एल.आर. 689 तथा 1991(63)एफ.एल.आर. 679” में प्रतिपादित सिद्धांत से शर्ली-मानि समझा एवं पाबन्द हूँ। स्पष्ट रूप से प्रतिपक्षी ने अपने उत्तरदायित्व का निर्याह नहीं दिया। इस प्रकार प्रार्थी ने दोनों ही शिन्दु कि वो स्वयं नौकरी छोड़कर नहीं गया एवं प्रतिपक्षी ने नौकरी छोड़ने के बाद प्रार्थी को नौकरी पर उपस्थित होने के लिए कोई नोटिस नहीं दिया व न ही सेवा समाप्ति से पूर्व कोई जांच की, साबित किया है। इस प्रकार यही समझा जाता है कि प्रतिपक्षी द्वारा प्रार्थी को जो सेवा से पृथक किया गया है वह अनुचित माना जाता है एवं प्रार्थी पुनः सेवा में आने का अधिकारी घोषित होने के योग्य है।

12. जहां तक पिछले वेतन का प्रश्न है, मेरे समक्ष प्रतिपक्षी की ओर से पिछले वेतन के बारे में कोई आतिपत्त नहीं उठायी गयी है व न ही कोई ऐसी माध्य पेश की गयी है कि प्रार्थी ने नौकरी से निकलने के बाद कहीं अन्यत्र कोई लाभकारी नियोजन किया हो, अतः सम्भन्ध परिस्थितियों में प्रार्थी पिछले सम्पूर्ण वेतन व सेवा की निरन्तरता सहित पुनः सेवा में लिये जाने का अधिकारी घोषित किये जाने योग्य है।

13. उपरोक्त सम्पूर्ण विवेचन के आधार पर आर. के. सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इस प्रकार उत्तरित किया जाता है कि अधिवक्ता आफिसर (टेलीग्राफ) सवाई माधोपुर द्वारा श्रमिक सुरेश चन्द को दि. 1/8/87 से सेवा से पृथक किया जाना अनुचित एवं अवैध है, फलस्वरूप प्रार्थी पिछले सम्पूर्ण वेतन व सेवा की निरन्तरता सहित पुनः सेवा में आने का अधिकारी घोषित किया गया है।

इस अधिनिर्णय को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जावे।

आर. के. चाचान, न्यायाधीश

नई दिल्ली, 26 अक्टूबर, 95

का. आ. 3093.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीग्राफ के प्रबन्धन के सम्बन्ध निम्नलिखित आर. के. कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26 अक्टूबर, 1995 को प्राप्त हुआ था।

[संख्या एल-10012/15/89/आई आर (डीयू)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi the 26th October, 1995

S.O. 3093.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Kota as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telegraph and their workmen, which was received by the Central Government on 26th October, 1995.

[No. J-40012/45/89-IR (DU)]  
K. V. B. UNNY Desk Officer

अनुबंध  
व्यावसायिक, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज./  
निर्देश प्रकरण क्रमांक: ओ. त्या. (केन्द्रीय)-11/90  
दिनांक स्थापित: 23/5/90

प्रमंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश  
संख्या एल. 40012/15/89/आई.आर. (डी.यू.)  
दि. 29-3-90

औद्योगिक विवाद अधिनियम, 1947

मध्य

मुन्नालाल पुत्र श्री गोवर्धन सिंह द्वारा श्री विजेन्द्र विहारी शर्मा,  
(6) पुणेहित मोहल्ला, भगतपुर।

---प्राथी श्रमिक

एव

मय डिविजनल ऑफिसर (टेलिग्राफ) नवार्द साधोपुर।

---प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चाधान,

आर. एच. जे. एम.

प्राथी श्रमिक की ओर से प्रतिनिधि श्री ब्रजबहारी अना/  
श्री एन. के. तिवारी  
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि श्री एच. एल. गुप्ता  
अधिनिर्णय दिनांक: 20/9/95

अधिनिर्णय:

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न  
निर्देश औद्योगिक विवाद अधिनियम, 1947 (त्रिग नदनुपगत  
“अधिनिर्णय” से सम्बोधित किया जायेगा) की धारा 10(1)  
(घ) व उपधारा (2-क) के अन्तर्गत इस न्यायाधिकरण को  
अधिनिर्णयार्थ सम्प्रेक्षित किया गया है:---

“Whether the action of the Sub-Divisional  
Officer (Telegraph), Sawaimadhopur in  
terminating the services of Shri Munna Lal  
Casual Labour w.e.f. 1-8-1987 is justified?  
If not, what relief the workman is entitled  
to?”

2. निर्देश न्यायाधिकरण से प्राप्त होते पर श्रम  
रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी।  
प्राथी मुन्ना द्वारा प्रस्तुत क्लेम स्मेटेन्ट के अनुसार संश्लेष  
में तथ्य इस प्रकार हैं कि प्राथी ने प्रारम्भ में रक्षायक  
अभियन्ता, तार दूर संचार रेलवे विद्युतीकरण, मयईसाधोपुर  
के यहां अगस्त, 85 से जून 86 तक कार्य किया व उसके बाद  
1/7/86 से लगतार 30/6/87 तक मय डिविजनल ऑफिसर  
(तार) के यहां कार्य किया। इस प्रकार प्राथी ने प्रतिपक्षी  
के अधीन सेवा समाप्त करने से पूर्व 12 माह में लगतार  
350 दिन की सेवा पूर्व की। प्राथी की जानकारी के अनुसार  
निम्नांकित मस्ट्रोल व माह में प्रतिपक्षी के यहां उपस्थित  
रही:---

माह	मस्ट्रोल नं.	माह	मस्ट्रोल नं.
7/87	72/83	6/87	6/4
5/87	5/40	4/87	4/22
3/87	4/10 व 3/90	2/87	3/4
1/87	2/22	12/86	2/11
11/86	42/6	10/86	14/1
9/86	3/1	8/86	2/1

3. प्राथी ने आगे क्लेम में यह कहा है कि जब प्राथी  
12 माह में 350 दिन एवं 240 दिन से अधिक समय तक  
सेवा पूर्ण कर चुका था तो प्रतिपक्षी द्वारा नियमानुसार छंटनी  
की क्षतिपूर्ति की जानी चाहिए थी। प्रतिपक्षी ने प्राथी को  
सेवा समाप्त करने से पूर्व व तो छंटनी की क्षतिपूर्ति दी और  
न नोटिस अथवा नोटिस बेंतन दिया। इस प्रकार प्रतिपक्षी ने  
अधिनियम की धारा 25-एफ के प्रावधान के विपरीत प्राथी  
की सेवा समाप्त की। प्राथी की प्रतिपक्षी द्वारा सेवा समाप्त  
करने से पूर्व कोई कारण नहीं बताया गया। इस प्रकार प्राथी  
की सेवा समाप्त धारा 25एफ(ए) के विपरीत है। प्राथी  
की सेवा समाप्त करने से पूर्व कोई बरिष्ठता सूची नहीं बनाना  
केन्द्रीय औद्योगिक विवाद नियमों के नियम 77 के विरुद्ध  
है जबकि इन नियमों के तहत ऐसी बरिष्ठता सूची की प्रति  
7 दिवस पूर्व देना आवश्यक है जिससे श्रमिक अपना पक्ष  
प्रस्तुत कर सके। प्राथी की प्रतिपक्षी ने सेवा समाप्ति से  
पूर्व सुनवाई का अवसर नहीं दिया इसलिए प्राथी  
की सेवायें समाप्त करना प्राकृतिक न्याय सिद्धांतों के विपरीत  
है। प्रतिपक्षी द्वारा प्राथी की सेवायें दुर्भावना से समाप्त  
की गयी जिससे कि प्राथी स्थायी होने का हकदार न बन  
जाये जो कि अनुचित श्रम आचरण है। प्रतिपक्षी द्वारा प्राथी  
को मासिक आदेश दि. 1/8/87 से सेवा से पृथक् कर दिया  
व विधि में कोई आरोप-पत्र सेवा समाप्ति बाबत नहीं दिया  
गया, इस प्रकार सेवा समाप्ति अनुचित व अवैध है। प्राथी  
की सेवा समाप्ति पूर्व प्राथी को कोई पत्र नहीं भिजवाया  
गया। आजकल नियोजक का यह फैसला हो गया है कि वह  
श्रमिक के संबंध में यह कह देता है कि श्रमिक स्वेच्छा से  
कार्य छोड़ कर चला गया है, जो कथन पूर्णतया असत्य है।  
प्राथी के साथ-साथ सुरेश, रमेश व मसुन्दर सिंह वर्गारह की  
उपस्थितियां एक ही मस्ट्रोल में रहती थी जो हर माह श्रमिकों  
के लिए जारी की जाती थी। इस प्रकार प्रतिपक्षी द्वारा  
प्राथी की 1/8/87 से की गयी सेवा समाप्ति अनुचित श्रम  
आचरण मानते हुए प्राथी को उसके पूर्व पद पर 1/8/87 से  
लगतार सेवा में मानते हुए पिछले सम्पूर्ण बेंतन व अन्य सभी  
लाभों सहित सेवा में वहाल किया जावे।

4. प्रतिपक्षी ने प्राथी के क्लेम का जवाब प्रस्तुत किया  
है कि प्राथी ने जो क्लेम के पैरा 1 से 3 में सेवा का समय  
अगस्त, 85 से जून, 86 व 1-7-86 से 30-6-87 तक का  
प्रतिपक्षी के यहां बताया है वह पूर्ण रूप से स्वीकार नहीं  
है। प्राथी की उपस्थिति प्राथी द्वारा कथित मस्ट्रोल में नहीं

है। प्रार्थी स्वयं अपनी इच्छा से कार्य छोड़कर चला गया था इसलिए छंटनी का कोई मुआवजा व नोटिस देने का प्रश्न नहीं उठता। चूंकि प्रार्थी स्वयं ही बिना कोई सूचना के कार्य छोड़कर चला गया था, अतः नियमानुसार औद्योगिक विवाद अधिनियम का फायदा नहीं उठा सकता। प्रार्थी को कभी प्रतिपक्षी ने सेवा में लेने का आश्वासन व नियुक्ति पत्र नहीं दिया व न ही प्रार्थी इस सब डिविजन में स्पोर्ट्स हुआ था क्योंकि दूरसंचार विभाग के भीभी नं. 270/6/84 एस. टी. एन. दि. 22-4-87 एण्डोर्स बाइड महाप्रबन्धक दूर संचार भर्ती 2-30-85 के. डब्ल्यू. दिनांक 1-5-87 के तहत किसी भी आकस्मिक मजदूर की भर्ती नहीं की जा सकती। यदि यह श्रमिक 31-3-85 के बाद स्पोर्ट्स हो, विशेष रूप से प्रार्थी को मौसमीय कार्य के लिए जितने दिन काम उतने दाम के आधार पर बुलाया गया था, उसका भुगतान उसे कर दिया गया है। अतः प्रार्थी का क्लेम खारिज किया जाये।

5. प्रार्थी मुन्ना लाल नेस्वर्य की साक्ष्य में स्वयं का तथा प्रतिपक्षी को ओर से लक्ष्मणसिंह का शपथ पत्र प्रस्तुत किया है। इन दोनों गवाहों से आपस में एक दूसरे पक्ष द्वारा जिरह की गई है। बहस अंतिय मुनि गयी व पत्रावली का अवलोकन किया गया।

6. मैं दोनों पक्षों की बहस का विप्लेक्षण करने से पूर्व यह स्पष्ट करना चाहता हूँ कि जहाँ तक प्रार्थी के द्वारा प्रतिपक्षी के यहाँ 1-7-86 से 30-6-87 तक कार्य किया गया एवं प्रतिपक्षी के अधीन सेवा समाप्ति से पूर्व 12 माह में लगातार 350 दिवस की सेवा पूर्ण कर चुका है, इस तथ्य पर प्रतिपक्षी के विद्वान् प्रतिनिधि ने कोई आपत्ति मेरे समक्ष बहस के दौरान नहीं उठायी है बल्कि प्रतिपक्षी के विद्वान् प्रतिनिधि ने कोई आपत्ति मेरे समक्ष बहस के दौरान नहीं उठायी है बल्कि प्रतिपक्षी के विद्वान् प्रतिनिधि ने इस कथन को स्वीकार किया है, अतः मेरे समक्ष सेवा अवधि के बारे में कोई विवाद नहीं है। इस मामले में महत्वपूर्ण विवाद यही है कि क्या प्रार्थी स्वेच्छा से नौकरी प्रतिपक्षी के यहाँ से छोड़कर गया या प्रार्थी ने प्रार्थी को नौकरी से हटाया एवं यदि प्रार्थी नौकरी पर नहीं आया भी तो प्रतिपक्षी का यह दायित्व था कि वह प्रार्थी को उसके उपस्थित नहीं आने पर नोटिस देना एवं उपस्थित होने की जांच करने के पश्चात ही सेवा समाप्त करता ?

7. प्रार्थी की ओर से विद्वान् प्रतिनिधि ने इस बिन्दु पर यह बहस की कि प्रार्थी ने प्रतिपक्षी के यहाँ 1-7-86 से 30-6-87 तक लगातार कार्य किया एवं उसके बाव 1-8-87 को प्रतिपक्षी ने प्रार्थी की सेवायें मौखिक आदेश से समाप्त की परन्तु प्रार्थी को सेवा समाप्ति से पूर्व अधिनियम की धारा 25-एफ के तहत स्वीकृत रूप से पालना नहीं की। विद्वान् प्रतिनिधि ने अपनी इस बहस की तार्ई में कि प्रार्थी यदि नौकरी पर नहीं भी आया तो प्रतिपक्षी का यह दायित्व था कि प्रतिपक्षी प्रार्थी को यह नोटिस देता कि वह नौकरी पर हाजिर हो एवं उसकी जांच करने के बाद ही प्रार्थी की सेवा समाप्ति की जा सकती थी, दो न्यायिक दृष्टांत "1987 (55)

एफ. एन. आर. 689 - गुर्जर पिम्बकर्मा बनाम ईगन एरींग इंडस्ट्रीज प्रा. लि. तथा 1991 (63) एफ.एन. आर. 679 - रियाथ अहमद बनाम मुनोर ईम्पाईल मोहम्मद आप. बोम्बे" को पेश किया है।

8- प्रतिपक्षी की ओर से विद्वान् प्रतिनिधि ने यह स्वीकार किया है कि प्रार्थी को प्रतिपक्षी ने अधिनियम की धारा 25-एफ के प्राधानान्तर्गत एक माह का नोटिस अथवा नोटिस जेतन व छंटनी का मुआवजा नहीं दिया व न ही प्रार्थी के अनुपस्थित होने पर उसे नौकरी पर आने के लिए अथवा सेवा समाप्त करने से पूर्व कोई नोटिस दिया और न कोई जांच की।

9- अब पक्षधारों की न्यायिक संक्षेप में विप्लेक्षण किया जाना उचित होगा। प्रार्थी ने अपने शपथ पत्र में यह कहा है कि मैंने प्रतिपक्षी के यहाँ 1-7-86 से जुलाई 87 तक 13 माह की अवधि में 350 दिवस से अधिक की सेवाये पूर्ण की। प्रार्थी ने अपनी उपस्थिति के बारे में भी अपनी मस्ट्रोल का हवाना शपथ पत्र में देते हुए 370 दिन प्रतिपक्षी के यहाँ कार्य करना कहा है व वह भी कहा है कि प्रतिपक्षी द्वारा 1-8-87 से उसे कार्य पर नहीं लिया गया व किता कोई छंटनी मुआवजा, नोटिस दिये 1-8-87 से सेवा में समाप्त कर दिया। प्रार्थी की सेवा समाप्त करने से पूर्व खरिष्टता सूची का कोई प्रकाशन नहीं किया व न ही सेवा समाप्ति का कोई कारण बताया गया। प्रार्थी स्वेच्छा से नौकरी छोड़कर नहीं गया बल्कि उसे व उसके साथियों का सेवा सपथक किया गया। प्रार्थी ने अपनी जिरह में यह कहा गया है कि मैंने 1-7-86 से 31-7-87 तक 13 माह तक काम किया था। मुझे काम पर नहीं आने आकर लिखकर नहीं दिया जबानी कहा था। अग्रस्त की पहली तारीख को काम पर गया था तो मझे कहा गया था कि आपकी काम पर नहीं लगे, यह बात मझे एस. डी. ओ. भा. एल. एस. वर्मा ने कही थी। मैं दो माह अग्रस्त व सितम्बर काम पर रखने के लिए प्रतिपक्षी के यहाँ चक्कर लगाता रहा। अग्रस्त व सितम्बर में आठ-दस दिन तक काम पर गया था। मैंने प्रतिपक्षी को काम पर रखने के लिए लिखकर दिया था। प्रतिपक्षी को नोटिस नहीं दिया।

10- प्रतिपक्षी के गवाह लक्ष्मणसिंह ने अपने शपथ पत्र में कहा है कि प्रार्थी ने 31-7-87 के उपरान्त स्वेच्छा से ही कार्य पर आना बन्द कर दिया। प्रार्थी ने कभी कार्य बन्द कर देने अथवा नहीं आने का नोटिस नहीं दिया। इस गवाह ने जिरह में यह स्वीकार किया है कि जून, 87 में विभाग के अधिकारी श्री रंछडी के आदेश से कि सभी आकस्मिक श्रमिकों को नोटिस व मुआवजा देकर हटा दिया जाये जोकि 3/85 के बाद कार्य पर आये हों, परन्तु प्रार्थी स्वेच्छा से कार्य छोड़ कर चला गया था। मैं यह नहीं बता सकता कि अग्रस्त, 87 की मस्ट्रोल पेश नहीं करने के क्या कारण हैं ? मैंने किसी आकस्मिक श्रमिक को नौकरी से नहीं हटाया, सभी श्रमिक स्वेच्छा से कार्य छोड़कर चले गये। दिनांक 1-8-87 के बाद जो श्रमिक काम छोड़कर चले गये उनको कोई नोटिस नहीं दिया गया व न ही अपने अधिकारी को इस बात कोई पत्र

दिया। यह बात भी सही है कि प्रार्थी को मौसमी कार्य के बारे में कभी पत्र नहीं दिया।

11. प्रार्थी द्वारा प्रार्थी की नौकरी पर नहीं लिया ता प्रतिपक्षी के विरुद्ध समझौता अधिकारी के यहाँ विवाद उठाया व यथावत जारी रहने पर केन्द्र सरकार ने यह विवाद इस न्यायाधिकरण को अधिनियमार्थ सम्प्रेषित किया। प्रार्थी द्वारा माध्य में यह कहना कि वह प्रतिपक्षी नियोजक के पास शोर डार नौकरी पर गया उसके बावजूद उसे नौकरी पर नहीं लिया, इसे न मानने का कोई कारण मेरे समक्ष नहीं है, विशेष रूप से ऐसी परिस्थितियों में जबकि प्रथम तो नौकरी मिलना ही कुतर्क है एवं कोई व्यक्ति नौकरी पाने के बाद जब उसका कोई अधिवार प्रगत हो जाता है तो वह स्वयंसेवा व साधारण तथा अनुपस्थित नहीं हो सकता। प्रतिपक्षी के द्वारा लक्ष्मण शिर ने यह स्वीकार किया है कि प्रार्थी के अनुपस्थित होने पर कोई नोटिस सेवा पर उपस्थित होने का नहीं दिया गया व न ही इस बारे में कोई जांच की गयी। प्रार्थी के विद्वान प्रतिनिधि ने जो उक्त दो नजीरों द्वारा यह मेरे समक्ष प्रस्तुत की है, मैंने उन दोनों ही नजीरों में प्रतिपादित सिद्धांतों का अवलोकन किया। मेरी राय में इन दोनों ही नजीरों में यह सिद्धांत प्रतिपादित किया गया है कि प्रतिपक्षी नियोजक का यह दायित्व था कि वह प्रार्थी को यदि वह नौकरी पर अनुपस्थित रहा है तो भी उसे नौकरी पर वापस आने के लिए नोटिस दिया जाता, उसकी जांच की जाती और उसके बाद ही प्रार्थी की सेवाएं समाप्त करता। प्रतिपक्षी के दौरान प्रतिनिधि ने इस तथ्य को स्वीकार किया है कि उन्होंने इस प्रकार की कोई पालना नहीं की। अतः मैं उक्त दोनों नजीर "1987 (55) एफ एन आर 689 तथा 1991 (63) एफ.एन. आर. 679" में प्रतिपादित सिद्धांत से भली भांति समर्थित एवं पारस्विक हूँ। स्पष्ट रूप से प्रतिपक्षी ने अपने उत्तरदायित्व का निर्वाह नहीं किया। इस प्रकार प्रार्थी ने दोनों ही विन्दु कि तो स्वयं नौकरी छोड़कर नहीं गया एवं प्रतिपक्षी ने नौकरी छोड़ने के बाद प्रार्थी को नौकरी पर उपस्थित होने के लिए कोई नोटिस नहीं दिया व न ही सेवा समाप्ति से पूर्व कोई जांच की, स्तुति किया है। इस प्रकार यही समझा जाता है कि प्रतिपक्षी द्वारा प्रार्थी को जो सेवा से पृथक् किया गया है वह अनुचित माना जाता है एवं प्रार्थी पुनः सेवा में आने का अधिकारी घोषित होने योग्य है।

12. जहां तक पिछले वेतन का प्रश्न है, मेरे समक्ष प्रतिपक्षी की ओर से पिछले वेतन के बारे में कोई प्राप्ति नहीं उठायी गयी है व न ही कोई ऐसी साक्ष्य पेश की गयी है कि प्रार्थी ने नौकरी से निकलने के बाद कहीं श्रमिक कोर्ट लाभकारी निर्वाजन किया हो, अतः समस्त परिस्थितियों में प्रार्थी पिछले सम्पूर्ण वेतन व सेवा की निरन्तरता सहित पुनः सेवा में लिये जाने का अधिकारी घोषित किये जाने योग्य है।

13. उपरोक्त सम्पूर्ण विवेचन के आधार पर भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को

इस प्रकार उक्तित किया जाता है कि डिवाइजन्स ऑफिसर (टेलीफोन) सवाईसाधुपुर द्वारा श्रमिक मुन्ना लाल को दिनांक 1-8-87 से सेवा से नुकसान किया जाता अनुचित एवं अवैध है, फाम्बरूप प्रार्थी पिछले सम्पूर्ण वेतन व सेवा की निरन्तरता सहित पुनः सेवा में आने का अधिकारी घोषित किया जाता है।

इस अधिनियम को अनुचित सरकार को नियमानुसार प्रकाशनाथ भिजवाया जाये।

आर. के. आचार्य, न्यायाधीश

नई दिल्ली, 26 अक्टूबर, 1995

का. ना. 3094—प्रारंभिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलेफोन के प्रबंधन के संबंध में नियोजकों और उनके कार्यकर्ता के बीच अनुबंध में निरूपित सांख्यिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, क्रमबद्ध नं. 2 के पंचपद का प्रकाशन करती है जो केन्द्रीय सरकार को 24-10-95 को प्राप्त हुआ था।

[संख्या एन-40011/17/86-डो-II (बी)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 26th September, 1995

S.O. 3094.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on 24-10-95.

[No. L-40011/17/86-D.II (B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. PANSE, Presiding Officer

Reference No. CGIT-2/38 of 1993

Employers in relation to the Management of Telecoms Factory, Bombay.

AND

Their Workmen

APPEARANCES :

For the Management.—S. B. Kadam, Representative.

For the Applicant.—R. M. Oke, Representative.

Bombay, dated 5th October, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-40011/17/86-D.II(B), dt. 3-5-93 had referred to the following industrial dispute for adjudication.

"Whether the action of Telecom Factory, Deonar, Bombay caused injustice and discrimination between

workmen and workmen by declaring with effect from Nov., 1978 the two categories of semi-skilled workmen under Examiner Gr. II and Coil Winder GR. II out of 13 such semi-skilled and giving them arbitrarily, the truncated scale of pay of Rs. 260, 360 out of prevailing skilled category of Rs. 260, 400 ? If so, what relief the workmen in other thirteen categories were entitled to also the workmen above;

Whether the truncated scale of pay of Rs. 260, 360 to skilled category workmen was justified when the standard scale of Rs. 260, 400 for skilled category prevailed there, if so, what relief the workmen concerned are entitled to ?”

2. The General Secretary, Workers Union, Bombay filed Statement of claim (Ex. 2) on behalf of Union. It is contended that in the year 1954 the Ministry of Communications appointed a Committee known as Central Trade Test Board for classification of various trades on the basis of job evaluation for all the factories under Posts and Telegraphs Department. The Committee carried out the classification through Trade Test. The Committee designated 26 trades as semi-skilled trades, there are 15 semi-skilled trades at Bombay factory. The scheme for all the trades is one and the same.

3. In the year 1962 the Ministry of Communication appointed new Central Trade Test Board for carrying out fresh study of all the trades in all the factories under the said ministry. It admits those 26 trades as a semi-skilled one. Initially the employees there continued to earn the same scale of pay.

4. On 15-6-73 the Ministry of Communication appointed a committee called Departmental Expert Committee to rationalise trades in the Telecom Factories Organisation. It is pleaded that the Committee was not aware as what study and or test were carried out by earlier committees. On the basis of the report of the Department Expert Committee in the month of November, 1978 the Ministry of Communication, Posts and Telegraphs issued a notification and reclassified 9 trades. Out of 15 semi-skilled trades two trades viz. Examiner Gr. II and Coil Winder Gr. II were classified as skilled trades being 2 out of 9 up-graded trades. On the basis of said re-classification the workmen doing the said jobs become entitled to higher scale of wages.

5. The Union pleaded that this classification is incorrect and all the 15 trades should have been given a higher scale. It is averred that as per the Trade Test procedure there should be a Trade Test for any and every change any promotion, Higher pay benefits etc. There is a need to issue notification to that effect. It is submitted that equality of opportunity have been done in the said case and discrimination has been done between the workmen and workmen of same category of semi-skilled. It is therefore, prayed that the benefits of the pay scale of Rs. 260/360 from the date from which the two trades of semi-skilled have been given the benefits of the higher wages i.e. from November, 1978 to all the remaining trades of semi-skilled category with other reliefs.

6. The management resisted the claim by then written statement Ex. 4. It is averred that the issue involve in the application is not only reliefs to the workmen of Telecom Factory, Bombay, but also workmen of other Telecom Factories situated in other parts of the country. It is averred that the issue is a national one and not related to Telecom Factory, Bombay alone.

7. It is averred that on the basis of the recommendations of Departmental Expert Committee the change was effected and it cannot be called as arbitrary, the Committee conducted the detailed study, such as job evaluation degree of skill, nature and quality of work required to be performed etc. before recommending the changes. It is averred that the matter regarding cadre restructure, upgradation

manpower planning are essentially prerogative of the management as this can be decided after taking into consideration operational recruitment and other consideration in the interest of efficiency in the production unit. Under such circumstances the claim which is made out by the Union has no merit. It is averred that the question of following the procedure laid down for promotions are not applicable on reclassifying the grades. Under such circumstances it is prayed that the reference may be answered in favour of the management.

8. The issues that fall for my consideration and the findings thereon are as follows :-

ISSUES	FINDINGS
1. Whether the action of the Telecom Factory, D. Manar, Bombay caused injustice and discrimination between workmen and workmen by declaring w.e.f. Nov., 78 the two categories of semi skilled workmen under Examiner Gr. II and Coil Winder Gr. II out of 15 such semi-skilled and giving them arbitrarily the truncated scale of pay of Rs. 260/360 out of prevailing skilled category of Rs. 260/400?	Action is justified.
2. If so, what relief the workmen in other 13 categories were entitled to also the workmen above?	Does not survive.
3. Whether the truncated scale of pay of Rs. 260/360 to skilled category workmen when the std. scale of Rs. 260/400 for skilled category prevailed there?	Action is justified.
4. If not, what relief the workmen concerned are entitled to?	Does not survive.

#### REASONS

9. Shri Rajaram Mukund (Ex. 10), the General Secretary of the Union lead evidence in support of the claim. There is not oral evidence on behalf of the management. Both the parties submitted their oral arguments. It can be seen that the case is not of such a nature. Wherein there is a need of oral evidence.

10. Admittedly, the Govt. of India, Department of Telecommunication had reclassified the trades of Coil Winder Gr. II and Examiner Gr. II of Telecom Factory, Bombay along with other trades existing in Telecom Factory, Jabalpur and Calcutta. This reclassification was based on the recommendations of the Departmental Expert Committee nominated by the Govt. for rationalisation of trades in Post and Telegraph Office of Telecom Factories Organisation. By the present reference the Union wanted to challenge this restructure of the trades while doing so it is necessary that the work which is carried by this committee has to be shown as baseless. It has to be shown by the Union that restructuring done in Post and Telegraph is incorrect. All of them should be under the same benefits which are given to these 2 trades. There is no evidence to that effect.

11. In State of U.P. and Others V/s. J. P. Chaurasia and Others 1988 (1) SC 21 their Lordships while deciding the case regarding the whether Bench Secretaries in the High Court of Allahabad are entitled to pay scale admissible to Section Officers, depends upon several factors. It is observed by the Lordships that it does not just depend on the



nature of the work or the volume of the work done by the Bench Secretaries. Primarily it requires among others evaluation of duties and responsibilities of the respective posts. The equation of post must be left to the Executive Government. It must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the Court should normally accept it. The Court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration. The ratio in the above said authority is applicable in the present case. The Expert Committee recommended the classification. The Govt. acted upon such a classification. I do not find any incorrectness in the same. By the said reference what the Unions want is that they should also be upgraded and the pay scale given to Coil Winder and Examiner Gr. II should be given to the remaining trades. There is no justification in the same.

12. It is tried to argue on behalf of the Union that the management of Telecom Factory, Bombay has neither notified the vacancies and called application for eligible workman nor hold any trade test. It is argued on behalf of the employer that the question of notifying the vacancies and holding the trade test arises only in the case of promotion of candidates from one trade to another trade and not in the case of wholesale upgradation of the workmen of semiskilled to skilled trade in pursuance to reclassification of trade by the Government. I, therefore, find that the contentions raised by the Union is without any merit.

13. It can be further seen that the dispute which is tried to be raised by the Union is after the lapse of 14 years. In other words it is a stale claim. It is rightly argued that in this period several changes have taken place. In 1983 there was appointment of Central Trade Review Committee. Again in 1983 there was second Central Trade Review Committee and many changes have taken place due to it. For all this reasons I record my findings and issues accordingly and pass the following order :-

#### ORDER

1. The action of the Telecom Factory, Deonar Bombay caused injustice and discrimination between workmen by declaring w.e.f. November 1978 the two categories of semi-skilled workmen under Examiner Gr. II and Coil Winder Gr. II out of 13 such semi-skilled and giving them such arbitrarily, the truncated scale of pay of Rs. 260/360 out of prevailing skilled category of Rs. 260/400 is justified.
2. The truncated pay scale of Rs. 260/360 was justifies when the standard scale of Rs- 260/400 for skilled category prevailed there.

S. B. PANSIP, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 1995

का. आ. 3095.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई-1 के रजिस्ट्रार को प्रकाशित करती है जो केन्द्रीय सरकार को 26-10-95 को प्राप्त हुआ था।

[संख्या अन्-17012/122/90-आई. आर. (बी.-2)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 27th October, 1995

S.O. 3095.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay-1 as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhartiya Jeevan Bima Nigam and their workmen, which was received by the Central Government on 26-10-1995.

[No. L-17012/122/90-IR (B-II)]

V. K. SHARMA, Desk Officer

#### ANNEXURE

BEFORE THE, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

#### PRESENT :

Shri Justice R. S. Verma, Presiding Officer.

Reference No. CGIT-1/13 of 1991

#### PARTIES :

Employers in relation to the management of Bhartiya

Jeevan Bima Nigam

#### AND

Their Workmen.

#### APPEARANCES :

For the Management—Shri Deshmukh.

For the Workmen—Shri Deo.

INDUSTRY : Insurance

STATE : Maharashtra

Bombay, the 12th October, 1995

#### AWARD

The appropriate Government has referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of LIC Bombay in reducing the Basic Salary of Mr. R. S. Negi, watchman by 5 stages with cumulative effect from September 1987 is legal and justified? If not, to what relief the workman is entitled to?"

2. The case of the union, espousing the cause of the workman Shri Negi is that Shri Negi, was employed as a workman under the respondent. In the year 1978, Shri Negi was allotted a staff quarter E-3/31 for which a leave and licence agreement had been duly executed by the workman. Following were, inter-alia, the terms and conditions of such leave and licence agreement :-

"5. No licensee shall take paying guests.

6. No licensee shall sub-let or given on leave and licence' basis the quarters allotted to him or any portion thereof under any circumstances whatsoever.

7. ....

8. No licensee may accommodate any guests for a period exceeding one month except with the prior permission in writing of the Zonal Manager."

3. It appears that Secretary (ADMN) Disciplinary Authority served a chargesheet dated 6th June 1983 on the workman. The relevant portion of the chargesheet reads as follows :

"You, Shri R. S. Negi watchman, S.R. No. 471067, Zonal Office, Bombay, are hereby charged as under :—

- (1) That the LIC Staff Quarter No. E-3/31 at Jeevan Shanti, Vile Parle, Bombay was allotted to you under Leave and Licence Agreement dated 29-8-78 for your bonafide use as a residence with your family members by virtue of your being in the service of the Corporation but you allowed some outside persons to occupy and reside in the said premises unlawfully, whereas in terms of the said Leave and Licence Agreement duly executed by you with the Corporation you were not allowed to take any paying guest or sublet the said premises or any portion thereof allotted to you to any person under any circumstances whatsoever.
- (2) That you failed to vacate and handover peaceful possession of the said premises to the Corporation within a period of seven days from the date of receipt of our letter Ref. Estab./5856/DRS dated 11th March, 1983, by which the said Leave and Licence Agreement was terminated and you were directed to handover the peaceful possession of the said quarter for having violated the terms and conditions of the aforesaid leave and licence Agreement. You have thus disobeyed the Office Orders and directions of the appropriate authorities of the Corporation.

By your aforesaid actions, you have failed to maintain absolute integrity, failed to serve the Corporation honestly and have also acted in a manner prejudicial to good conduct and thus you have committed breach of Regulation 21 and 24 read Regulations 39(1) of the LIC of India (Staff) Regulations, 1960, for which any one or more of the penalties specified under Regulations 39(1)(a) to (g) of the said (Staff) Regulations can be imposed on you.

4. The workman denied the charges. A disciplinary enquiry was then conducted by an Enquiry Officer appointed in this behalf. The Enquiry Officer after holding an enquiry submitted a report finding that the charges had been established. The Disciplinary Authority concurred with the findings of the Enquiry Officer and issued a show cause notice dated 2nd March 1984 whereby it was proposed to reduce the pay in the time scale by five slabs. The workman submitted his reply to the show cause notice. The Disciplinary Authority was not satisfied by the Explanation submitted by the workman. Consequently by order dated 11th May, 1984, the Disciplinary Authority imposed penalty of reduction of the pay of the workman in the time scale by five steps. His appeal against this order before the Zonal Manager failed. A memorial submitted to the Chairman of the LIC was also rejected vide order dated 9th January, 1985.

5. Aggrieved, an industrial dispute was raised by the Union. The conciliation proceedings failed and hence a reference was made by the appropriate Government as notified above.

6. Though a large number of pleas have been taken in the written statement of claim, the Union has confined its case to a very narrow dispute. It is urged that there was no evidence before the Enquiry Officer or before the Disciplinary Authority that the workman had taken any paying guests or that he had sublet the premises or any portion thereof. When it was so, charge No. 1 completely failed. When it was so it was neither fair nor proper nor lawful for the management to terminate the leave and licence agreement of the workman and ask him to vacate the staff quarter allotted to him. Consequently, the workman did not commit any misconduct in not vacating the quarter within

the period specified in letter No. Estab./5856/DCS dated 11-3-1983 and hence charge No. 2 was also not proved at all. As such the punishment imposed was unlawful.

7. On behalf of the management, it is urged that this Tribunal cannot reappraise the evidence led before the Enquiry Officer and unless it is established that the enquiry was vitiated due to any cause, the Tribunal would not be justified in interfering with the punishment imposed upon the workman. The Tribunal does not act as an appellate authority in such matters. Some other pleas were also taken. Since the dispute before me was narrated down during the course of arguments, I need not deal with such pleas.

8. This is true that this Tribunal does not act as an appellate authority in such matters, however, if it is shown that on record there is not an iota of evidence to sustain the charge then it would be legitimate for this Tribunal to hold that the findings of the Enquiry Officer and of the Disciplinary Authority are perverse and hence bad in law.

9. Here, I may state that the Enquiry Officer himself did not find the charge of subletting proved. He, however, found that the workman had taken in three paying guests. How, he arrived at this conclusion, may profitably be stated in his own words. He observes at page 13 of his report as follows :

"It is a common ground that 3 persons were staying with Mr. Negi during February 1983. According to the Building Inspector, they were staying as 'guests' and according to the R/CSE if guests are staying for a period less than a month, no permission is required under clause 8 of the terms and conditions of the allotment of staff quarters. The expression used by the Building Inspector in his report dated 10-2-1983 is very wide as according to me the word 'guest' is unqualified and therefore includes the expression of 'Paying Guests'. The expression paying guests has been defined in the Bombay Rent Control Act, 1947. The expression paying guests means a person, not being a member of the family, who is given a part of the premises in which the licensor resides on licence. Therefore, the expression 'guests' includes 'paying guests'. The next point to be considered under the charge, whether any payment has been received by Mr. Negi for staying of those persons with him as 'guests' during February 1983, or not, Mr. Negi has denied this that he received any payment, or else what could he do except denying. Mr. Joseph, a witness who appeared on behalf of CSE had no direct knowledge on this point. Mr. Chavan was not produced as a witness by the CSE for reasons best known to him. Mr. Joseph was requested to appear as witness as Mr. Negi had unequivocally stated that those 3 persons were introduced by Mr. Joseph.

In the absence of any case law available on this issue I have no other alternative, but to look to the custom prevailing in this matter. Namely, paying guests are kept in Bombay, but generally speaking, neither a receipt is demanded by the licensor to substantiate the consideration prevailing between the parties. All the 3 persons who stayed with Mr. Negi during February 1983 have gone to foreign countries and it is difficult to recall them as witnesses. Therefore, under the circumstances, looking to the status of Mr. Negi who is a class IV employee, whose family is staying in his native place for last two years and who has allowed unknown persons to stay with him for a period, it could not be assumed that no payment could be received by him. Therefore I hold that charge No. 1 which has been levelled against him has been proved against him in as much as it is clearly prohibited under clause 5 of Terms and Conditions of allotment of Staff-Qrs. That no licensee shall take any paying guests. The period of stay of paying-guest is not at all mentioned; and it, therefore, matters little, whether the paying guests were there for one day or for one week or for two weeks or for four weeks or more than a

month, Charge No I has been proved. Since it is held that this is a case of paying-guest system, when the other element, namely, unlawful subletting are not present, namely, (i) intention to sublet, (ii) a specific portion of the premises, (iii) for a consideration therefor. Since these elements are not proved, the possibility of unlawful subletting is ruled out."

Now, it is conceded on both hands that there was no evidence whatsoever, that the three persons who had been allowed to stay in the staff quarter, had stayed for a period exceeding a period of one month. Hence, admittedly it is not a case of violation of clause 8 of the Leave and Licence Agreement. This is neither evidence nor finding that there was violation of clause 6 of the Leave and Licence Agreement. Hence, the only question which survives for consideration is if clause 5 of the Leave and Licence Agreement had been violated.

10. On behalf of the management, it has been urged that a case of violation of clause 5 of Leave and Licence Agreement was found. Hence, it is to be seen if the finding on this aspect is sustainable by any evidence on record. It is conceded that the workman had allowed three guests to stay with him for very short periods. But, it is seriously contended that these guests were paying guests at all. Admittedly, there is no evidence of any payment by the three guests who had been taken in by the workman.

11. The Enquiry Officer has proceeded on the footing of an alleged custom of 'paying guest' prevailing in Bombay. This was not permissible in as much as there was no evidence of any custom before him. That there was no evidence regarding custom of having paying guests, is fairly and frankly admitted by the representative of the management. However, it is urged that the three guests were strangers, it was proper for the Enquiry Officer to infer that payments must have been received from them. This contention ignores the explanation furnished by the witness of the prosecution (VI) Shri K. A. Joseph, who stated as follows.

"In February 1983 three persons came to me in Bombay, one of whom was a relation of my brother-in-law. His name was Jolichan. The other two I think were Alex and Jose. But only Jolichan was known to me directly. They came to me in the first week of February 1983. They were going to Gulf countries and were having some problem as regards the visa and passport and so had to stay in Bombay for a few days. My brother-in-law at Kottayam, Kerala State, asked them to contact me as regard accommodation, etc. I enquired with my friends' circle if anyone could accommodate them for a few days as I was unable to do so. Moreover, they were unemployed and could not afford to stay in hotels. One of my friends named Chavan told me that his friend, Shri Negi, watchman was staying alone in the staff quarters since his family had gone to native place. So I introduced these 3 persons to Mr. Chavan, another employee of the LIC, who in turn introduced them to Mr. Negi and they went to Mr. Negi's place. They stayed with Shri Negi for about 10 to 15 days."

12. In India, it is common to allow and accommodate guests for short periods, when requested to do so by acquaintances and friends. 'अतिथि देवो भव' is the ideal practice in this country. The three guests were accommodated for very short periods and from this fact, it could not have been concluded that they had been taken as paying guests. Hence, I find that finding of the Enquiry Officer that the three guests were paying guest is perverse and is based on no evidence at all and it being so, the finding can not be sustained.

13. Now, coming to the other charge, there is no dispute that the workman was directed to handover the charge of the staff quarter allotted to him within a period of seven days from the date of receipt of the letter No. Fst./5856/DRS dated 11-3-1983 and he thus disobeyed the Office order under question. The basic contention in this regard is that action to determine Leave and Licence was taken on improper grounds, on the basis of a charge which has not been substantiated hence the workman was not obliged to vacate the staff quarter, the order being most arbitrary and unreasonable. 2698 GI/95-5.

The management relies upon the terms of leave and licence, particularly clauses 1 and 2 which reads as follows:

"I am merely a licensee at your absolute will and pleasure in your said premises and your Zonal Manager, Bombay or any other person who may be authorised by you or him in that behalf, has the right from time to time during the course of my service with you to require me to move from the said premises to such other premises in the same building or any other building under your control as you or he may select or to require me to vacate the premises without providing me with any alternative accommodation even during the continuance of my service with you without assigning any reason whatsoever and I agree and undertake to vacate the premises when required to do so.

2. I agree to deliver to your Zonal Manager, Bombay or to any other person who may be authorised by you or him in that behalf, without raising any kind of objection whatever, vacant and peaceful possession of the said premises in my occupation by way of Leave and Licence as soon as my service with you or your said Office/Unit stands terminated or in case I am transferred to another place whatever may be the reason for such termination or transfer or in case I am required to vacate the premises and without any notice of any kind being given to me; and in case I want to give up the premises, I agree to give you one calendar month's notice in advance."

It is submitted that the management was not required to assign any reasons whatsoever and hence the order was proper and valid and its violation constituted misconduct.

14. I am unable to agree with the contention of the management. Actions of public authorities must not suffer from the vice of arbitrariness and must be based on sound reasons. Arbitrariness is anathema to rule of law. The aforesaid clauses have to be read in a way that they do not confer authority on the management to act in an arbitrary manner. In the present case, when the charge of taking in paying guests fails, there was no reason for cancelling the leave and licence of the workman to stay in staff quarter duly allotted to him. The order asking him to vacate the staff quarter was most arbitrary and if the workman did not comply with the same, the non-compliance would not be said to be a misconduct. Hence, he could not have been punished for this charge as well.

15. There is one more infirmity in the order imposing punishment. A separate punishment should have been imposed for each charge. A composite punishment could not have been imposed for the two charges. For this reason also, the punishment imposed was improper and can not be sustained.

16. In the aforesaid premises, I hold that the action of the management of LIC, Bombay in reducing the basic salary of Mr. R. S. Neri by 5 stages with cumulative effect from September, 1987 is not legal and is not justified and is set aside. The workman shall be paid arrears of his salary as if the punishment had not been imposed at all. The parties shall bear their own costs. Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 1995

का. मा. 3096.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार इण्डियन बैंक, मद्रास के प्रबंधक के संक्षुभ नियोजकों और उनके कर्मचारों के बीच, अन्तर्वंश में निहित औद्योगिक विवाद में, औद्योगिक अधिकरण, मद्रास के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-95 को प्राप्त हुआ था।

[संख्या एल-12025/7/89/बी-2(ए)/आई आर बी-2)]

बी के शर्मा, ईस्क अधिकारी

New Delhi, the 27th October, 1995

S.O. 3096.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank, Madras and their workmen, which was received by the Central Government on 26-10-95.

[No. L-12025/7/ 89-D.II(A)/IR(B-II)]

V. K. SHARMA, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU  
MADRAS

Thursday, the 5th day of October, 1995

PRESENT :

THIRU N. SUBRAMANIAN, B.A.B.L., INDUSTRIAL  
TRIBUNAL.

INDUSTRIAL DISPUTE NO. 24 OF 1990

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Indian Bank, Madras.)

BETWEEN

The Workmen represented by  
The General Secretary,  
Indian Bank Employees Union,  
25, Second Line Beach, Madras- 600091.

AND

The General Manager,  
Indian Bank,  
17, North Beach Road,  
Madras-600001.

REFERENCE :

Order No. L-12025/7/89-D.II(A), dated 21-3-1990,  
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 6th day of September, 1995 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Tvl. N.G.R. Prasad, for Tvl. Row & Reddy and S. Vaidyanathan, Advocates appearing for the workman and of Thiru G. Venkataraman, for Tvl. Aiyar & Dolia, and R. Arumugam, Advocates appearing for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following

#### AWARD

"The Government of India, by its Order No. L-12025/7/89-D.II(A), dt. 21-3-1990, Ministry of Labour, Govt. of India, New Delhi, has referred the dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 before this Tribunal for adjudication in respect of the dispute :

"Whether the action of the Management of Indian Bank, Madras in dismissing Shri M. Thirunavukkarasu, from the services of the bank, vide their order dt. 21-4-73, is justified? If not to what relief the said workman is entitled?" After services of notices, both the parties filed their claim statement and counter.

2. The case of the petitioner as per the claim statement is as follows :

The petitioner is a registered trade union. This dispute is raised on behalf of its member Thirunavukkarasu, who was employed in respondent-Bank. He was appointed as Peon

in April 1970. The Assistant Secretary of the respondent-bank issued a letter dated 7-12-71 stating that it had been reported that he had stolen 2 reams of duplicating paper and had been caught red handed by Mohanan, the Caretaker. Even before the workman could submit his explanation, the charge sheet was issued contrary to Para 19.12(3)(a) of the Bi-partite Settlement. Even the copies of the reports on the basis of which the allegation that was made was not furnished to the workman. One Venkataramani an Officer of the Staff department was appointed as Enquiry Officer. Domestic enquiry was conducted by him, in spite of the objections raised by the workman. In the domestic enquiry, 6 witnesses were examined on behalf of the Management-bank. The Enquiry Officer did not make any effort to summon Sri Raman a witness cited by the Appellant who was an employee of the bank. The incriminating article in question which were supposed to have been recovered from the petitioner and deposited with the Staff Superintendent were not produced at the domestic enquiry in spite of asking for it. One Venkateswaralu, who alleged to have given complaint about the missing of papers was not examined. While the Prosecuting Officer in his written submission dated 16-6-72 could assert that the Stencil papers were stolen, the Care taker in his evidence stated it was duplicating paper. Most of the witnesses merely stated they found some paper in the petitioner's bag. The bank has failed to bring in the so called letter of confession given by the petitioner. The Staff Superintendent using his position and authority extorted the confession from the petitioner. The Enquiry Officer without considering the important circumstances and discrepancies in the evidence came to the conclusion that the charge was proved. None of the witnesses deposed before the domestic enquiry had correctly identified the property stolen. Entire enquiry and the findings of the enquiry were vitiated due to non-compliance of principles of natural justice. As per Para 19.14 of the Bipartite Settlement, only the Executive Officer or the Principal Officer of the bank in India or an alternative Officer in the Head Office can decide who should hold the enquiry and take disciplinary action. The Assistant Secretary charge sheeted and passed the order of dismissal. This is contrary to the Bi-partite Settlement. Since Venkataramani, the Enquiry Officer is not an Agent, he is not competent to be the Enquiry Officer. The whole enquiry was one sided and biased. The Appellate Authority in usual course confirmed the order of dismissal. Since the reference under Section 2-K of the Industrial Disputes Act, was declined by the appropriate Government, the workman preferred an appeal u/s. 41(2) of Tamil Nadu Shops and Establishments Act. The appeal was dismissed on 30-3-76 on the preliminary issue regarding maintainability. Thereafter, the workman filed the Writ Petition. The Writ Petition was dismissed. Writ appeal was filed by this workman and that was also dismissed. The workman went to the Supreme Court. The Hon'ble Supreme Court allowed the appeal by condoning the delay and remanded the matter to the authority constituted under the Shops Act. When the matter was pending before the Authority under the Tamil Nadu Shops and Establishments Act, Division Bench of the Madras High Court held that Shops and Establishments Act, 1947 will not apply to the nationalised banks. Since the Supreme Court upheld the judgement of the Division Bench of the Madras High Court in C. V. Raman's case, Supreme Court dismissed the appeal filed by the workman. The Union filed W.P. No. 1154/89 challenging the order dated 10-11-88 passed by the Assistant Labour Commissioner. Madras High Court directed the Government to refer the dispute for adjudication to the Tribunal. Regarding the so-called admissions, the workman never admitted. The dismissal of the workman is illegal and unjustified. The findings of the Enquiry Officer is perverse. Hence this Tribunal may be pleased to pass an award setting aside the order of dismissal and reinstate the workman in service with continuity of service and back wages.

4. The respondent filed its counter contending that Sri Thirunavukkarasu was appointed in the services of the bank in April 1970 as a Peon. It is denied that he was issued with a letter on 7-12-71 suddenly alleging that he has stolen two reams of duplicating paper. The workman was caught while carrying a bag with 2 reams of paper stolen by him on 4-12-71. He voluntarily admitted having stolen the papers in his letter dated 6-12-71. A Show Cause Notice was given on 7th December, 1971. He was given sufficient time for reply. The time given was extended for

more than 15 days. No reply was forthcoming from him. Then charge sheet was issued on 14-2-72. The workman had enough time to submit his explanation to the Show Cause Notice. The allegation that the Enquiry was conducted by the person who is not competent to do so is not correct. The Disciplinary Authority appointed Sri Venkataramani, a Senior Officer as Enquiry Officer. There has been no irregularities in the matter of appointing the Enquiry Officer. If the defence has thought that the examination of Mr. Raman is important then the defence ought to have examined him on his side. The petitioner failed to prove the defence of alibi. The production of stolen articles and the Stock register to evidence theft may be required only in a Criminal Proceedings. In the domestic enquiry proceedings witnesses examined have categorically spoken about the workman being caught by the Care taker with a bag which contained the papers. As regards the letter given by the workman, on 6-12-71, that the incident occurred on 4-12-71 and the workman gave the letter admitting his guilt on 6-12-71. Therefore, the allegation that the letter was taken from the workman under undue influence and coercion by the higher authorities without giving adequate time to consult his friends is totally wrong. After the incident took place on 4-12-71 workman was free for 2 days and on 6-12-71 alone he voluntarily came forward to admit the theft committed by him. The proceedings against the workman was not in the nature of criminal proceedings. The enquiry proceedings has been conducted in accordance with the provisions of the Bi-partite Settlement. The employee himself voluntarily approached the Staff Superintendent and admitted having stolen the papers. The Superintendent suggested that he could give it in writing and accordingly he gave a letter in writing. R. Venkataramani has worked as an Agent in Muthialpet and Perambur branches before he was transferred to Central Office. Therefore, he was fully competent to be appointed as Enquiry Officer. The Enquiry Officer in his findings has analysed the evidence and documents produced in the enquiry. At the time of dismissing the employee from service, the gravity of the misconduct and past records were taken into consideration by the Disciplinary Authority. The evidence let in in the enquiry were sufficient to come to a reasonable conclusion that the workman had committed the misconduct. Hence the respondent is not entitled to any relief and the claim of the petitioner may be dismissed with cost.

5. By consent, Exs. M.1 to M.7 and W-1 to W-3 were marked. The arguments of both counsel were heard.

6. The point for consideration is : Whether the Management of the Indian Bank, Madras in dismissing Shri M. Thirunavukkarasu, from the services of the bank vide their order dated 21-4-73 is justified? If not to what relief the said workman is entitled to ?"

7. Preliminary objection was raised by the Petitioner's counsel as the domestic enquiry was not conducted in a fair and proper manner in accordance with the principles of natural justice. This Tribunal has given its finding that domestic enquiry conducted by the Management was fair and proper. Therefore, now the question for consideration is : Whether there is sufficient legal evidence to prove the charge against the workman and the punishment of dismissal is disproportionate to the charge levelled against him.

8. The Point : Ex. M. 2 is the charge sheet issued to the petitioner. The charge against the petitioner is that on 4-12-71 he has stolen 2 reams of duplicating paper from the bank and he was caught red handed by Shri Mohanan, Care Taker, of the Head Office Building. On 7-12-1971 a Show Cause notice Ex. M. 1 was issued to the petitioner. Sufficient time was given for the petitioner to submit his explanation. Till the charge sheet was framed on 14-2-1972 he has not submitted his explanation. Therefore, a charge sheet was issued. Ex. M. 3 is the Enquiry proceedings. During the enquiry one Mohanan Care taker was examined as first witness on the side of the Management. According to him on 4-12-1971 at about 2.00 or 2-15 p.m. Shri Venkateswarulu reported him that 2 reams of duplicating paper were missing. So, he instructed the watchman to check the persons who are leaving the office in a suspicious manner. At about

4.45 p.m. when he was going to the first floor, the petitioner came with a bag in his hand in a suspicious manner. The petitioner on seeing MW1 went into the Office. This witness came down and waited for the petitioner. When the petitioner came down he was having the very same bag in his hand. When his bag was checked one ream of duplicating paper in full and one ream of paper in loose were there. At that time 3 persons were standing in the lift hall and they witnessed the occurrence. Then the Kannan also came there and to him, he informed the occurrence. Then he went to the Union Office and informed the same to Kuppusamy and one Bose. He seized the papers with bag and handed over to the Assistant Security on the next Monday. Thiru Kannan in his evidence says that he was starting his scooter to go out and the Care taker came to him alongwith the petitioner and told that he caught him with bag with 2 reams of duplicating paper. He further says petitioner was having a bag. But he do not know what it contained. The third witness says that the alleged confession letter was written by the petitioner and he wrote the address in the letter. The other witness examined in the domestic enquiry are not eye witnesses to the occurrence. The main argument of the learned counsel for the petitioner is 2 reams of duplicating paper alleged to have been taken by the petitioner and seized by the MW1 was not produced before the Enquiry. It was asked by the petitioner to produce the paper alleged to have been seized from him. It is the case of the Management witness the papers were entrusted with Staff Superintendent on 4-12-1971. Except MW1 no other witness speaks what kind of paper the petitioner was having in his bag. In order to prove the commission of theft the property must be produced before the Enquiry. Then it is to be proved that the property belongs to the bank or any member of the bank. Unless these two are proved, the commission of offence of theft cannot be said to have been proved beyond doubt. As pointed out by the petitioner's counsel the Presenting Officer in his written submission to the Enquiry Officer has stated that the papers alleged to have been taken by the petitioner was stencil paper. The other witnesses are not speaking what kind of paper the petitioner was having. So, regarding the identity of paper alleged to have been taken by the petitioner there is no satisfactory evidence. Further even though it is admitted by the Management witness that the property seized from the petitioner and handed over to the Staff Superintendent. So, there is no difficulty in producing the same paper before the Enquiry Officer. As per the decision reported in 1979 II LLJ P 396, unless the property alleged to have been committed theft is produced and proves as the property of the employer or any one of his staff, the offence of theft is not proved. It is contended by the respondent's counsel it is not Criminal proceedings that the strict proof of evidence is required, for domestic enquiry. When a grave misconduct of commission of theft is alleged against the petitioner, for which the punishment is dismissal, it must be proved by the Management beyond doubt. So, there is no legal evidence to prove the charge of theft against the petitioner. The Enquiry Officer mainly relied on the alleged confession said to have been given by the petitioner. Even though the alleged confession letter was marked in the enquiry proceedings, it was not marked before this Tribunal for consideration. The alleged confession letter was given to the Staff Superintendent on 6-12-71, two days after the commission of offence. According to the petitioner the letter was obtained by undue influence and coercion by the Staff Superintendent who was his Superior Officer. Even though the alleged confession letter was given by the petitioner it was not given voluntarily. In the absence of the alleged confession letter produced before this Tribunal for consideration no reliance can be placed on the alleged Confession letter.

9. The punishment imposed on the petitioner is also disproportionate to the offence alleged to have been committed by the petitioner. The value of the papers alleged to have been taken by the petitioner is only Rs. 18. Therefore, even if the offence is taken as proved for argument sake, the punishment of dismissal for committing theft of property worth Rs. 18 is disproportionate and too severe. As I find that the charge levelled against the petitioner that he has committed theft of 2 reams of duplicating paper is not proved by legal evidence, the order of dismissal is liable to be set aside.

In the result, an award is passed setting aside the order of dismissal dated 14-12-72, and the Management is directed to reinstate the petitioner in service with continuity of service and with back wages from March 1990 when this reference was made. No costs.

Dated, this the 5th day of October, 1995

THIRU N. SUBRAMANIAN, Industrial Tribunal.

#### WITNESSES EXAMINED

For Workman & Management : None.

#### DOCUMENTS MARKED

For Workman :

Ex. W-1 : Proceedings of the Enquiry Officer (Xerox copy).

W-2|16-6-72 : Written brief submitted by the Management Ban's Prosecuting Officer (Xerox copy).

W-3|27-10-72 : Written brief submitted by the Defence Counsel for the Workman Thiru M. Thirunavukarasu in the domestic enquiry (Xerox copy).

For Management :

Ex. M. 1|7-12-71 : Show Cause Notice-cum-Order of Suspension issued to the Workman (Xerox copy).

M-2|14-2-72 : Charge sheet issued to the workman (Xerox copy).

M-3| : Proceedings of the Enquiry Officer (Xerox copy).

M-4|11-11-72 : Findings of the Enquiry Officer (Xerox copy).

M-5|24-11-72 : Second Show Cause Notice issued to the Workman (Xerox copy).

M-6|14-12-72 : Dismissal Order (Xerox copy).

M-7|21-4-73 : Appeal preferred by the Workman against the dismissal order (Xerox copy).

नई दिल्ली, 27 अक्टूबर, 1995

का. आ. 3097.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार से भारत कोकिंग कोल लिटि. की भाटडीह कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट, को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-10-95 को प्राप्त हुआ था।

[संख्या एल-20012/249/94-आई प्रार (कोल-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 27th October, 1995

S.O. 3097.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. II), Dhanbad as shown in the Annexure in the management Bhatdih Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 26-10-95.

[No. L-20012/249/94-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 121 of 1995

Employers in relation to the management of Bhatdih Colliery of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri B. Mohanty, Area Secretary, B.C.K.U. Mohuda Area.

On behalf of the employers.—Shri U. P. Singh, Area Personnel Manager.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 16th October, 1995

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/249/94-IR (Coal-I), dated the 30th August, 1995.

#### SCHEDULE

"Whether the action of the General Manager, Mohuda Area No. II of M/s. BCCL in denying employment to Badrinath Rajwar claiming to be dependent of late Bhairab Rajwar, Ex-Stone Disting Mazdoor against the provisions of NCWA is justified? If not, to what relief is the concerned dependent entitled?"

2. In this reference both the parties appeared but did not file their respective W.S. Subsequently when the case was fixed both the parties appeared before me and filed a Memorandum of settlement under their signature. I heard both the parties on the said memorandum of settlement and I did find that the terms contained therein are fair, proper and legal one. Accordingly I accept the said memorandum of settlement and pass an Award in terms thereof which forms part of the Award as Annexure.

D. K. NAYAK, Presiding Officer

#### ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II DHANBAD

Ref. No. 121/95

PARTIES :

Management of Bharat Coking Coal Ltd., Mohuda Area.

Vrs.

Area Secretary, Bihar Colliery Kamgar Union, Mohuda Area.

With humble submission we the management of Bharat Coking Coal Ltd., Mohuda Area and the Area Secretary, Bihar Colliery Kamgar Union, Mohuda Area hereby swelt as under :—

1. That a dispute has been referred by the Hon'ble Ministry of Labour Govt. of India, Vide No. L-20012/249/94 dated 30-8-95 before the Hon'ble Central Govt. Industrial Tribunal No. II, Dhanbad. for adjudication in the matter of non-employment to the dependent namely Badrinath Rajwar S/o Late Bhairab Rajwar, Ex- SO Mazdoor.

2. That since the concerned dependent namely Badri Nath Rajwar has already been given employment by M/s. Bharat Coking Coal Ltd. vide letter No. BCCL/PA-VI/3/13/AR-II/4/95/17412-16 dated 11/17-7-1995 as such both the parties earnestly request the Hon'ble Central Government Industrial Tribunal No. II Dhanbad to pass no Dispute Award in this Case.

We are also enclosing herewith the Annexure-I, copy of settlement arrived at between the management of M/s. Bharat Coking Coal Ltd. Mohuda Area and the Area Secy. Bihar Colliery Kamgar Union, Mohuda Area.

Encl : Annexure.

(U. P. SINGH),

Area Personnel Manager,

Bharat Coking Coal Ltd.,

Mohuda Area,

Dated-----1995.

B. MOHANTHY, Area Secretary, BCKU Mohuda area.

# MEMORANDUM OF SETTLEMENT UNDER I/D ACT

## FORM—H

(See Rule—58)

Representing Management Representing union/workman

1. Sri U.P. SINGH  
Personnel Manager,  
BCCL, Mohuda Area

1. Sri B. MOHANTHY  
Area Secy. BCKU,  
Mohuda Area.

## SHORT RECITAL OF THE CASE

An I/D was raised by the Area Secretary BCKU on behalf of one Sri Badri Nath Rajwar dependent of Late Bhairab Rajwar, Ex-Dusting Mazdoor, Bhaldee Colliery. The demand of the union was that Sri Badri Nath Rajwar should be given employment under para 9.4.2 of NCWA. His father Bhairab Rajwar expired during the employment. However, the dispute could not be resolved and FOC was sent by the Conciliation Officer/Asstt. Labour Commissioner(C) Dhanbad. The said matter has been referred for adjudication by the Ministry of Labour, Govt. of India vide order No. L-20012/249/94-IR (Coal-I) dt. 30-8-95 under Section 10 of I/D Act 1947. The Schedule is as under :

"Whether the action of the General Manager, Mohuda Area No. II of M/S BCCL in denying employment to Badrinath Rajwar Claiming to be dependent of Late Bhairab Rajwar, Ex-Stone Disting Mazdoor against the provisions of NCWA is justified? If not, to what relief is the concerned dependent entitled?"

The union continued to pursue the matter before the management at different level and accordingly the employment paper was processed and ultimately approval for employment to the dependent namely Sri Badrinath Rajwar S/O Late Bhairab Rajwar was accorded by Hqtrs. vide letter no. BCCL/PAVI/3/13/Ar.II/4/95/17412-16 dt. 11/17-7-95. Accordingly the dispute is settled amicably between both the parties on the following Terms and Conditions :

## TERMS AND CONDITIONS

1. That the dependent namely Badrinath Rajwar S/O Late Bhairab Rajwar has been given employment vide our letter no. MPD/Estab/487/5892 dt. 5/7-9-95
2. That in view of the above both the parties agreed that there remains nothing to resolve.
3. That both the parties agreed that since the matter has been referred for adjudication to the Central Government Industrial Tribunal No. 2 vide

No. L-20012/249/94 as such the copy of the agreement shall be filed before the Hon'ble Central Government Industrial Tribunal No. 2 for passing no dispute Award

(U.P. SINGH)  
Area Personnel Manager  
BCCI, Mouda Area.

Dated 21-9-1995.

Witness : Mahadev Chandrakhar

21-9-95.

K. K. Sinha 21-9-95

(R. MOHANTHY)  
Area Secretary, BCKU  
21-9-95

नई दिल्ली, 27 अक्टूबर, 1995

का. आ. 3098.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में भारत कोकिंग कोल लिमि. के महादा क्षेत्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/95 को प्राप्त हुआ था।

[संख्या —एल—20012/326/92-आइ धार (कोल-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi. the 27th October, 1995

S.O. 3098.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. II), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mohuda Area of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 26-10-95.

[No. L-20012/326/92-IR(Coal-I)]

BRAJ MOHAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE No. 192 OF 1993

Employers in relation to the management of Mohuda Area of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen : Shri Surender Prasad, Area Secretary, R.C.M.S. Union.

On behalf of the employers : Shri U.P. Singh, Area Personnel Manager.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad. the 16th October, 1995

## AWARD

The Govt of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(326)/92-I.R. (Coal-I), dated, the 9th November, 1993.

## THE SCHEDULE

"Whether the action of the General Manager, Mahuda Area of M/S B.C.C.L., P.O. Mahuda, Dt. Dhanbad in denying payment of difference of wages to Shri Sahdeo Mahato, Body searcher and his regularisation as Peon since 1983 is justified? If not, to what relief is the concerned workman entitled?"

2. In this case only the workmen filed its W.S. Thereafter when the case was fixed for filing W.S. by the management, both the parties appeared before me and filed a Memorandum of Settlement under their signature. I heard both the parties on the said petition of settlement and I do find that the terms contained therein are fair, proper and legal one. Accordingly I accept the said memorandum of settlement and pass an Award in terms thereof which forms part of the Award as Annexure.

D. K. NAYAK, Presiding Officer

## ANNEXURE

## FORM-H

(See Rule—58)

Memorandum of Settlement arrived at between the Mgt. of BCCL, Mohuda Area and Sri Surender Prasad, Area Secy. RCMS.

Ref. case No. 192/93

Representing Management Representing Union/workman

1. Sri U.P. Singh	Sri Surender Prasad
Area Pers. Manager,	Area Secretary, RCMS,
BCCL, Mohuda Area	Mohuda Area.

## SHORT RECITAL OF THE CASE

An IJD was raised by RCMS demanding that Sri Sahdeo Mahato Body Searcher, has been working as Office Peon since October 1982 as such he should be regularised as Office Peon and paid the wages of Office Peon i.e. Gr. 'H' w.e.f. 1-1-1983. The claim of the union is based on the documents issued by the then Manager Sri A. Kumar. As per the document produced by the union it is evident that the management admitted that Sri Sahdeo Mahato had been working as Peon since 16-10-1982 in Murulidih Colly. and as per the requisite attendance he should be regularised in proper Grade i.e. T&S Gr. 'H' w.e.f. 26-10-1983. Presently he is working in Mohuda Coal Washery as a peon from 26-10-1989.

The matter during the conciliation proceeding could not be resolved and ultimately the ALC(C) sent the FOC to the Ministry of Labour, Govt. of India, New Delhi and in turn the Govt. of India has referred this case for adjudication before the Tribunal No. 2 Dhanbad under Ref. No. 192/93.

However, this matter was discussed with the union Representative and an amicable settlement arrived at between the union Representatives and the management on the following terms and conditions :

## TERMS OF SETTLEMENT

1. That the workman concerned Sri Sahdeo Mahato will be regularised as office peon and be placed in T&S Gr. 'H' w.e.f. 1st January, 1984 with all consequential benefit.

2. The Arrear amount if any, arises in this regard will be paid to Sri Sahdeo Mahato, within a month's time from the date of passing the Award by the Hon'ble Tribunal.

3. A copy of this settlement will be filed before the Hon'ble Tribunal by the Management through its Advocate to dispose of the case and to pass necessary award.

(U. P. SINGH)

Area Personnel Manager,  
BCCL, Mohuda Area,

Dated 27-9-1995

Witnesses : 1. Sd.- illegible.

2. Sd. illegible 27-9-95.

(SURENDER PRASAD)

Area Secretary, RCMS,  
Mohuda Area.

नई दिल्ली, 27 अक्टूबर, 1995

का. आ. 3099 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल वर्कशॉप, बरकाकना आफ सी. सी. एल. के प्रबंधन के संबंध गिरोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं.-2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/10/95 को प्राप्त हुआ था ।

[संख्या एल-20012/184/90-आई आर (कोल-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 27th October, 1995

S.O. 3099.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. II), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Workshop, Barkakana of C.C.L. and their workmen which was received by the Central Government on 26-10-1995.

[No. L-20012/184/90-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 47 of 1991

PARTIES :

Employers in relation to the management of Central Workshop, Barkakana of C.C.L. P.O. Barkakana, Dist. Hazaribagh and their workmen.

APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad the 16th October, 1995



## AWARD

Industrial Dispute No. 93, 1994

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/184/90-IR (Coal-I), dated, the 6th July, 1991.

## SCHEDULE

"Whether the action of the management of Central workshop Barkakana of C.C.L. P.O. Barkakana Dist. Hazaribagh by not withdrawing the punishments awarded to Sri Fuleshwar Yadav Store Keeper, Central Workshop, Barkakana of C.C.L. vide Order No. CS/Disciplinary Action FY 87/1843 dated 28-6-1988 is legal and justified? If not to what relief the workman is entitled?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. The workmen/union neither turned up nor filed its W.S. But the management through Shri R. S. Murthy, Advocate made their appearance. Thereafter several adjournments were granted to the workmen/union for their W.S. But they neither turned up nor took any steps, inspite of the issuance of notice to them. It therefore leads me to an inference that the workmen/union are not interested to pursue their claim before this Tribunal. Lastly when the case was fixed for filing the W.S. by the workmen/union none appeared for them but Shri R. S. Murthy, Advocate for the management appeared before me and submitted a petition praying therein to pass a "No dispute" Award in this reference. In the circumstances I have no other alternative but to pass a "No dispute" Award in this reference.

This is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 1 नवम्बर, 1995

का. आ 3100.--श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार श्री एस नरेस विल्लवारयर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अन्तर्गण में विविष्ट श्रीद्योगिक विवाद में श्रीद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 30/10/95 को प्राप्त हुआ था।

[संख्या एल--44012/1/93--आई आर (विविष्ट)]

बी एस. डेविड, डेस्क अधिकारी

New Delhi, the 1st November, 1995

S.O. 3100.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of Shri S. Terrance Villavarayar and their workmen, which has received by the Central Government on the 30th October, 1995

[No. L-44012/1/93-IR (Misc.)]

B. M. DAVID, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Friday, the 8th day of September, 1995

## PRESENT:

Thiru N. Subramanian B.A.B.L., Industrial Tribunal

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of S. Terrance Villavarayar Tuticorin)

## BETWEEN

Thiru S.P. Fernando,  
C/o. The General Secretary,  
Tirunelveli District Democratic General  
Workers Union, Tuticorin-628001.

## AND

Thiru S. Terrance Villavarayar,  
C/o The Secretary,  
The Tuticorin Sailing Vessel Owner  
Association  
72, Thattar Street,  
Tuticorin-628001.

## REFERENCE:

Order No. L-44012/1/93-IR (Misc.), dated 1st March, 1994, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Monday, the 4th day of September, 1995 upon perusing the reference, Claim statement and all other material papers on record and upon hearing the arguments of Tvl. R. Arumugam and M. Jayaprakash, Authorised Representatives for the Workman, and the Management being absent, and set ex-parte, and this dispute having stood over till this day for consideration, this Tribunal made the following award:

The Government of India by its letter No. L-44012/1/93-IR (Misc.), dated 1st March, 1994, referred for adjudication by this Tribunal u.s. 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute:

"Whether the action of the Management of S. Terrance Villavarayar, in denying employment to Shri S. P. Fernando, is justified? If not, to what relief the concerned workman is entitled?"

2. The case of the petitioner is as follows:

The petitioner was working as one of the boat man under the respondent in Boat No. TU 9 from 1980. The duties of the boat man are to carry the Cargo in the boats to the Ship and also to bring the cargo from the Ship to the Shore. The respondent paid monthly wages on piece rate basis, at Rs. 1,500 to Rs. 2,000 per month. He also paid Rs. 5 as baba to the petitioner and Rs. 35 as educational allowance to their Children. The petitioner and other similar workers working with other boat owners joined together and formed a Union to place their grievances before Management. The petitioner made several demands before the management. The respondent and other boat owners disliked the formation of the Union and in retaliation orally terminated the service of the President of the Union. The respondent refused to give work to the petitioner from 13th February, 1991. All the workers went on a strike for 15 days from 27th January, 1991. Conciliation talk before the Collector did not materialise. Hence they raised the dispute before the Conciliation Officer. After failure of the Conciliation, the Central Government has referred the dispute for adjudication. The respondent denied employment to the petitioner only on the sole ground that a new union was formed and the petitioner joined in that union. Petitioner was not charge sheeted. No enquiry was conducted. The action of the respondent in denying employment is in total violation of principles of natural justice. The petitioner has put in more than 12 years of continuous service. The petitioner is a permanent boatman and cannot be thrown out in that fashion. Various provisions of the Industrial Disputes Act are not followed. The action of the respondent is clearly an unfair labour practice, and victimisation. Hence the dispute has been raised.

3. The respondent remained ex-parte.

4. WW1 was examined and Exs. W1 to W9 were marked through him. According to him he was working as a boat man from 1980 under the respondent. In 1991, the workers formed a union and placed demands before the Management. Aggrieved by the demands by the petitioner and others, the respondent refused to give work to the petitioner from 15th February, 1991. The petitioner had put in more than 10 years of continuous service. He was not charge sheeted and no enquiry was conducted. The provisions of the Industrial Disputes Act, particularly Section 25-F was not followed. So, it is clearly proved from the evidence of WW1 and the documents marked, the denial of work to the petitioner by the respondent is not justified.

In the result, an award is passed directing the respondent to reinstate the petitioner in service, with continuity of service and back wages. No costs.

Dated, this the 8th day of September, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

#### WITNESSES EXAMINED

For Workman :

W.W. 1—Thiru Sowriya Pitchai alias S. P. Fernando.

For Management—None.

#### DOCUMENTS MARKED

For Workman :

Ex. W-1—Petitioner u/s. 2-A of the I.D. Act filed by the Workman Thiru S. P. Fernando, before the Assistant Labour Commissioner (Central) Madras

W-2—Counter statement to Ex. W-1 filed by the Management before the Asst. Labour Commissioner (Central) Madras (Xerox copy).

W-3/3-6-92 : Letter from Harbour Master, Tuticorin Port Trust, Marine Department to Traffic Department (TPT), regarding termination of boat workers (Xerox copy).

W-4/ : Specimen copy of Form for obtaining clearance to go to the ship.

W-5/ 6-92 : Petition filed on behalf of Petitioner-workman before the Labour Commissioner (Central) Madras (Xerox copy)

W-6/ : Counter Statement on behalf of Petitioner-workman before the Labour Commissioner (Central) Madras (Xerox copy).

W-7/series : Letter from Boat Workers' Union, Tuticorin dated February, 1991, 21-2-91, 28-2-91, 1-3-91, 9-4-91, 28-4-91 and 17-6-91 (Xerox copy).

W-8/ : Telegram from NLO Secretary, Thiru Jayaprakash to the Deputy Conservator, Tuticorin Port Trust & Letter dated 12-3-91 from Labour Enforcement Officer (Central) Tuticorin, to the Secretary, Boat Workers Union, Tuticorin (Xerox copy).

W-9/6-5-91 : Letter from the Deputy Commandant, Central Industrial Security Force, Tuticorin to the General Secretary, Tirunelveli District Democratic General Workers' Union Tuticorin regarding confiscating boat workers passes (Xerox copy).

For management : Nil

नई दिल्ली, 1 नवम्बर, 1995

का० आ० 3101.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री एस. टेरेन्स। वल्लवणयार के प्रबंधन के

संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-91 प्राप्त हुआ था।

[संख्या एल—44012/45/93-आई आर (विवाद)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 1st November, 1995

S.O. 3101.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Government hereby publishes the Award of the Central Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Shri S. Terrance Villavarayar and their workmen, which was received by the Central Government on the 30-10-95.

[No. I-44012/45/93-IR(Misc)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU  
MADRAS

Friday, the 8th day of September, 1995

Present :

THIRU N. SUBRAMANIAN, B.A.B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 95/1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Terrance Villavarayar, Tuticorin).

#### BETWEEN

Sh. Soosai Michael.  
C/o. The General Secretary,  
Tirunelveli District Democratic  
General Workers' Union  
Tuticorin-628 001.

#### AND

Thiru S. Terrance Villavarayar.  
C/o. The Secretary,  
The Tuticorin Sailing Vessel Owners'  
Association,  
72, Thattar Street,  
Tuticorin-628 001.

#### REFERENCE :

Order No. L-44012/45/93-IR(Misc), dated 1-3-94 Ministry of Labour Govt. of India, New Delhi.

This dispute coming on for final hearing on Monday, the 4th day of September, 1995 upon perusing the reference, Claim and all other material papers on record and upon hearing the arguments of Pyl. R. Annamugam and M. Jayaprakash, Authorised Representatives, for the Workmen and the Management being absent, and set ex-parte, and this dispute having stood over till this day for consideration, this Tribunal made the following :

#### AWARD

The Government of India, by its Order No. L-44012/45/93-IR (Misc), dated 1-3-94, referred for adjudication by this Tribunal u/s 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute :

"Whether the action of the Management of Terrance Villavarayar, in denying employment to Sh. Soosai Michael is justified? If not to what relief the concerned workman is entitled?"

2. The case of the petitioner is as follows : The petitioner was working as one of the boatman under the respondent in Boat No. TU 9 from 1980. The duties of the boatman are

to carry the Cargo in the boats to the ship and also to bring the cargo from the Ship to the Shore. The respondent paid monthly wage on piece rate basis at Rs. 1,500/- to Rs. 2,000/- per month. He also paid Rs. 5/- as bata to the petitioner, and Rs. 35/- as educational allowance to their children. The petitioner and other similar workers working with other boat owners joined together and formed a Union to place their grievances before the Management. The petitioner placed several demands before the Management. The respondent and other owners disliked the formation of the Union and in retaliation, orally terminated the service of the President of the Union. The respondent refused to give work to the petitioner from 13-2-91. All the workers went on a strike for 15 days from 27-1-91. Conciliation talk before the Collector did not materialise. Hence they raised the dispute before the Conciliation Officer. After failure of the Conciliation, the Central Government has referred the dispute for adjudication. The respondent denied employment to the petitioner only on the sole ground that a new union was formed and the petitioner joined in that Union. Petitioner was not charge sheeted. No enquiry was conducted. The action of the respondent in denying employment is in total violation of principles of natural justice. The petitioner has put in more than 12 years of continuous service. (The petitioner is a permanent boatman and cannot be thrown out in that fashion. Various provisions of the Industrial Disputes Act is not followed. The action of the respondent is clearly an unfair labour practice and victimisation. Hence the dispute has been raised.

### 3. The respondent remained ex parte.

4. WW1 was examined and Exs. W-1 to W-8 were marked. According to him, he was working as a boatman from 1980 under the respondent. In 1991, the workers formed a Union and placed demands before the Management. Aggrieved by the demands by the petitioner, and others, the respondent refused to give work to the petitioner from 13-2-91. The petitioner had put in more than 12 years of continuous service. He was not charge sheeted and no enquiry was conducted. The provisions of the Industrial Disputes Act particularly Sec. 25-B was not followed. So, it is clearly proved from the evidence of WW1 and the documents marked the denial of work to the petitioner by the respondent is not justified.

In the result, an award is passed directing the respondent to reinstate the petitioner in service, with continuity of service, and back wages. No costs.

Dated, this the 8th day of September, 1995.

THIRU N. SUBARAMANIAN, Industrial Tribunal  
WITNESSES EXAMINED

For Workmen :

W.W.1 : Thiru P. Soosai Michael,

For Management : None.

DOCUMENTS MARKED

For Workman :

1A. W-1/ : Petition u/s. 2-A of the I.D. Act filed by the Workman Thiru P. Soosai Michael, before the Assistant Labour Commissioner (Central), Madras.

W-2/ : Counter statement to Ex. W-1 filed by the Management before the Assistant Labour Commissioner (Central), Madras (Xerox copy).

W-3/3-6-92 : Letter from Harbour Master, Tuticorin Port Trust, Marine Department to Traffic Department (TPT) regarding termination of boat workers (Xerox copy).

W-4/ : Specimen copy of form for obtaining Clearance to go to the Ship.

W-5/ 6-92 : Petition filed on behalf of Petitioner-workman before the Labour Commissioner (Central), Madras (Xerox copy).

W-6/ : Counter statement on behalf of Petitioner-workman before the Labour Commissioner (Central), Madras (Xerox copy).

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W-7/series : Letters from Boat Workers' Union, Tuticorin dated February, 1991, 21-2-91, 28-2-91, 1-3-91, 9-4-91, 28-4-91 and 17-6-91 (Xerox copy).

W-8/ : Telegram from NLO, Secretary, Thiru Jayaprakash to the Deputy Conservator, Tuticorin Port Trust, Tuticorin & letter dated 12-3-91 from Labour Enforcement Officer (Central) Tuticorin to the Secretary, Boat Workers Union Tuticorin (Xerox copy).

For Management : Nil.

नई दिल्ली, 1 नवम्बर, 1995

का. आ. 3102.—नौशिकी विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बर्न स्टैंडर्ड्स कम्पनी लि. के प्रबन्धकों के सर्वज्ञ सिद्धांतों और उनके कर्मचारियों के बीच प्रवृत्ति में निर्दिष्ट औद्योगिक विवाद में औद्योगिक प्रतिक्रिया, मद्रास के पक्षों का प्रकाशित करती है, जो केन्द्रीय सरकार का 31/10/95 को प्राप्त हुआ था।

[संख्या एम्-27012/5/88—डी-III (बी)]

बी. एम्. डेविड, डेप्टी ऑफिसर

New Delhi, the 1st November, 1995

S.O. 3102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Burn Standard Co. Ltd. and their workmen, which was received by the Central Government on 31-10-1995.

[No. L-27012/5/88-D.III (B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU  
MADRAS

Wednesday, the 4th day of October, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal

Industrial Dispute No. 1/1989

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Burn Standard Co. Ltd. Salem).

BETWEEN

The Workman represented by :

The General Secretary,  
Salem District Magnesite Labour Union,  
(CITU), 237, Tharamangalam Road,  
Suramangalam, Salem-636005.

AND

The Deputy General Manager,  
Burn Standard Co. Ltd.,  
Salem-636005.

REFERENCE :

Order No. L-27012/5/88-D.III (B), dated 23-12-88,  
Ministry of Labour, Government of India, New  
Delhi.

This dispute coming on for final hearing on Friday, the 8th day of September, 1955, upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiru S. Vaidyanathan, for Tvl. Row and Reddy, and R. Vargai Advocates appearing for the workman and of Tvl. T. S. Gopalan, P. Ibrahim Kalifulla and S. Ravindran, Advocates appearing for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following

#### AWARD

The Government of India by its Order No. L-27012/5/88-D.III (B), dated 23-12-88, has referred to this Tribunal for adjudication regarding the dispute viz.,

"Whether the Management of Burn Standard Co. Ltd., Salem is justified in discharging Shri Chellamuthu from service with effect from 27-2-1987. If not, to what relief the workman concerned is entitled?"

2. The case of the petitioner workman is as follows—He was appointed in service on 26-8-70. Till 3-2-87 he had been diligently and regularly carrying out his duties. He received a charge memo on 3-2-87 stating that he was unauthorisedly absent for 46 days during the period from 1-7-86 to 20-1-87. The workman submitted his explanation stating that his absence was not deliberate nor wanton but due to certain domestic calamities. In the enquiry, he was asked to give a statement. No body was examined in the enquiry. The concerned attendance registers were also not marked. The workman was not given reasonable opportunity to explain his absence from work. The Enquiry Officer gave his finding on the statement of the workman and found him guilty. Based on the finding of the Enquiry Officer, the Management issued a notice proposing to discharge the service of the workman. The workman gave his explanation requesting that he should be forgiven for his absence. Without considering and appreciating the circumstances under which the workman was forced to be absent, the respondent has inflicted extreme punishment of discharge by order dated 27-2-87. Leave letter for the period from 4-1-87 to 14-1-87 alongwith Medical Certificate was sent to Management through a co-worker. The Management refused to receive it. The Management in the Conciliation proceedings stated that leave letter was received belatedly on 12-1-87 and so it was kept silent. In the Enquiry proceedings the principles of natural justice were not at all followed. Even if there was an admission the Enquiry Officer ought to have asked the Management to prove the charges. In any event the punishment meted out to the workman is disproportionate to the gravity of the misconduct committed by the workman. Hence this dispute has been raised and the Court may be pleased to pass an award set aside the order of discharge and reinstate the workman with continuity of service and full back wages.

3. The respondent filed his counter contending that the worker was employed in the mines of the respondent. He was highly irregular in his duties. The workmen employed in the mines including the concerned workman were entitled to Earned leave at the rate of 1 day for 20 days of work. Further they are also granted every year 12 days casual leave with wages. Workmen are covered by the Certified Standing Orders. The applications for leave shall be made in the prescribed form atleast 15 days prior to the date. However, due consideration will be given to the urgent cases caused by the unforeseen circumstances. Casual leave shall not be taken for more than 3 days at a time. The concerned workman was a chronic absentee. During the year 1985, the concerned workman apart from the absence caused by granting of leave, he was also sanctioned leave for another 13½ days. In 1985 he unauthorisedly absented himself on a number of occasions amounting to 42 days. In the year 1986 he was sanctioned leave for 45 days. Unauthorised absenteeism during the year 1986 was 49 days. In June 1987, when the concerned workman's attendance was reviewed it was found that between June 1986 and January 1987 he has absented himself without leave for a total number of 46 days. So, a charge sheet was given to the workman.

He gave a reply stating that because of the death of his sister and also an operation performed to his wife, he could not attend to work. Domestic enquiry was conducted. In the enquiry the concerned workman admitted the charge. Based on the findings of the Enquiry Officer, a second show cause notice was issued. He gave a reply to the same. After considering his representation, final order was passed on 27-2-87. For the habitual absence on 16 occasions he was issued a warning and on 13 occasions severe punishments. Hence an award may be passed dismissing the claim of the petitioner.

4. By consent Exs. M-1 to M-7 and W-1 to W-4 were marked.

5. The point for consideration is : Whether the Management of Burn Standard Company Ltd., Salem is justified in discharging Shri Chellamuthu, from service w.e.f. 27-2-87. If not to what relief the workman concerned is entitled to ?

6. The Point—The petitioner-workman joined with the respondent on 26-8-70. He was employed to work in the mines of the respondent. According to the respondent the petitioner-workman was irregular and habitual absentee without leave or permission. He was absent for duty from 1-7-86 to 20-1-87 for 46 days without permission. Therefore, a charge sheet M-1 was issued to the petitioner. He submitted his explanation Ex. M-2 stating that since his sister expired, and his wife had undergone an operation he was unable to attend the duty and so he must be excused for his absence. Without satisfied with the explanation, domestic enquiry was conducted. Ex. M-4 is the enquiry proceedings. At the beginning of the Enquiry proceedings, Enquiry Officer explained the charges levelled against him and asked whether he plead guilty or not. The workman admitted his guilt and also submitted a written statement Ex. M-6. The Enquiry Officer accepting the voluntary admission of the workman found the workman guilty of the charges. The Management after considering the admission and other relevant records, of his past service dismissed him from service under Ex. M-7. It is argued by the Petitioner's counsel that the findings of the Enquiry Officer on the basis of the admission alone without any evidence on the side of the Management to prove the charges is not legal and perverse. When the fact is admitted it need not be proved. In the present case also, the charges levelled against the workman was explained in Tamil and he admitted the charges levelled against him after knowing the consequences of his admission. Apart from that he has given a written statement Ex. M-6 in conformity with his explanation Ex. M-2. It is not the case of the petitioner he was forced or coerced or influenced by anybody to get his explanation Ex. M-2 and the written statement Ex. M-6. Admitting the charge. Since the admission of the petitioner is voluntary, and without any ambiguity after understanding the charges levelled against him can be a basis for the finding of the Enquiry Officer, that the charge levelled against him are proved.

7. It is argued by the petitioner's counsel that even though the charges levelled against him is proved, the punishment of discharge is disproportionate to the alleged misconduct committed by the workman in the circumstances stated by him in the explanation and also during the enquiry proceedings. It is seen from the previous records of this workman that he has been unauthorisedly absent for a number of occasions. He has been given lesser punishments in all those occasions. But for his absence for the period mentioned in the charge sheet, the explanation given by the petitioner has to be considered sympathetically. According to him his sister expired and thereafter his wife had undergone an operation and his presence was required to look after her and so he was absent for duty. It is not denied by the Management that the allegations stated in the explanation are false. Absence for duty for 46 days for a period of nearly 7 months cannot be considered as a serious misconduct, to impose the punishment of discharge from service. So, in the circumstances explained by the petitioner it will be sufficient to impose lesser punishment to him to meet ends of justice I feel non payment of back wages is sufficient punishment for him.

In the result, an award is passed directing the Management to reinstate the petitioner to work with continuity of service but without back wages. No costs.

Dated, this the 4th day of October, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For both sides :

None.

DOCUMENTS MARKED

For Workman :

Ex. W-1/28-6-87—Letter from the Union to the Assistant Labour Commissioner, Madras-6 raising Industrial Dispute (Xerox copy).

Ex. W-2/10-7-87—Counter filed by the Management before the Assistant Labour Commissioner, Madras-6 (Xerox copy).

Ex. W-3/17-8-87—Reply by Union to the Management's counter (Xerox copy).

Ex. W-4/28-7-88—Conciliation failure report (Xerox copy).

For Management :

Ex. M-1/3-2-87—Charge sheet issued to Thiru Chellamuthu (Xerox copy).

M-2/6-2-87—Reply by Thiru Chellamuthu to Ex. M-1 (Xerox copy).

Ex. M-3/6-2-87—Enquiry Notice (Xerox copy).

Ex. M-4/9-2-87 and 10-2-87—Proceedings of the Enquiry Officer (Xerox copy).

Ex. M-5/17-2-87—Charge sheet issued to Thiru Chellamuthu (Xerox copy).

Ex. M-6/23-2-87—Reply by Thiru Chellamuthu to Ex. M-5 (Xerox copy).

Ex. M-7/27-2-87—Dismissal order (Xerox copy).

नई दिल्ली, 2 नवम्बर, 1995

का. आ. 3103.—आयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार श्री एडवर्ड फर्नान्डो के प्रबंधन के संबंध में निम्नलिखित आदेशों और उनके कार्यकारी के बीच संघर्ष में निम्नलिखित आयोगिक विवाद में आयोगिक अधिनियम, मद्रास के एडवर्ड फर्नान्डो का प्रकाशित करती है, जो केन्द्रीय सरकार की 2/11/95 की प्राप्त हुआ था।

[संख्या एन.—44012/17/93—आई आर (विवाद)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd November, 1995

S.O. 3103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Shri Edward Fernando and their workmen, which has received by the Central Government on the 2-11-95.

[No. L-44012/17/93-IR(Misc.)]

B. M. DAVID, Desk Officer

# ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Monday, the 25th day of September, 1995

PRESENT :

Thiru N. Subramanian, B.A., B.L., Industrial Tribunal  
Industrial Dispute No. 124/1994

On the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Edward Fdo. Tuticorin).

BETWEEN :

Shri P. Raj,  
C/o. The General Secretary,  
Tirunelveli District Democratic General Workers' Union  
Tuticorin-628 001.

AND

Thiru Edward Fdo.  
C/o. The Secretary,

The Tuticorin Sailing Vessel Owners' Association  
72, Thattar Street, Tuticorin-628 001.  
Reference.—Order No. L-44012/17-93-IR (Misc.) dated 4-4-94, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Friday, the 15th day of September, 1995 upon perusing the reference, Claim statement and all other material papers on record and upon hearing the arguments of Tvl. R. Arumugam and M. Javaprakash, Authorised Representative for the workmen, and the Management being set exparte, and this dispute having stood over till this day for consideration, this Tribunal made the following.

## AWARD

The Government of India, by its letter No. L-44012/17-93-IR (Misc.), dt. 4-4-94, referred for adjudication by this Tribunal under the Industrial Disputes Act, 1947 regarding the dispute.

"Whether the action of the Management of Edward Fdo, in denying employment to Sh. P. Raj, is justified? If not, to what relief the concerned workman is entitled?"

2. The case of the petitioner is as follows.—The petitioner was working as one of the boat man under the respondent in Boat No. TU 35. The duties of the boat man are to carry the Cargo in the boats to the ship and also to bring the cargo from the Ship to the shore. The respondent paid monthly wage on piece rate basis at Rs. 1,500 to Rs. 2,000 per month. He also paid Rs. 5 as bata to the petitioner and Rs. 35 as educational allowance to their children. The petitioner and other similar workers working with other boat owners joined together and formed a Union to place their grievances before Management. The petitioner made several demands before the Management. The respondent and other boat owners disliked the formation of the Union and in retaliation orally terminated the service of the President of the Union. The respondent refused to give work to the petitioner from 27-1-91. All the workers went on a strike for 15 days from 27-1-91. Conciliation talk before the Collector did not materialise. Hence they raised the dispute before the Conciliation Officer. After failure of the Conciliation, the Central Government has referred the dispute for adjudication. The respondent denied employment to the petitioner only on the sole ground that a new union was formed and the petitioner joined in that Union. Petitioner was not charge sheeted. No enquiry was conducted. The action of the respondent in denying employment is in total violation of principles of natural justice. The petitioner has put in more than 11 years of continuous service. The petitioner is a permanent

## ANNEXURE

boatman and cannot be thrown out in that fashion. Various provisions of the Industrial Disputes Act are not followed. The action of the respondent is clearly an unfair labour practice, not victimisation. Hence the dispute has raised.

3. The respondent remained exparte.

4. WW1 was examined and Exs. W-1 to W-4 series were marked through him. According to him he was working as a boatman from 1981 under the respondent. In 1991, the workers formed a Union and placed demands before the Management. Aggrieved by the demands by the petitioner and others, the respondent refused to give work to the petitioner from 13-2-91. The petitioner had put in more than 11 years of continuous service. He was not charge sheeted and no enquiry was conducted. The provisions of the Industrial Disputes Act particularly Sec. 25-F was not followed. So, it is clearly proved from the evidence of WW1 and the documents marked, the denial of work to the petitioner by the respondent is not justified.

In the result, an award is passed directing the respondent to reinstate the petitioner in service with continuity of service, and back wages. No costs.

Dated, this the 25th day of September, 1995.

THIRU N SUBRAMANIAN, Industrial Tribunal

## WITNESSES EXAMINED

W.W1 - Thiru P. Raj.

For Management.—None.

## DOCUMENTS MARKED

For Workman :

Ex. W-1/ —Xerox copy of Photo pass given to the Workman Thiru P. Raj by the Management.

W-2/ —Dispute raised by the workman u/s. 2-A of the I.D. Act, 1947 before the Assistant Labour Commissioner (Central), Madras (copy).

W-3/ —Counter filed by the Management before the Labour Enforcement Officer (Central), (Xerox copy).

W-4/series.—Correspondence between the General Secretary, Boat Workers' Union, Tuticorin & District Collector, Tuticorin & other connected documents. (Xerox copy).

For Management.—Nil.

नई दिल्ली, 2 नवम्बर, 1995

का. आ. 3104.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संवद्ध, नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अविकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 2/11/95 को प्राप्त हुआ था।

[संख्या एन—12012/142/89—आई आर वी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 2nd November, 1995

S.O. 3104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of SBI and their workmen which was received by the Central Government on 2-11-1995.

[No. I-12012/142/89-JR (B-I)]

P.J. MICHAEL, Desk Officer

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,  
CENTRE GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM LABOUR COURT, CHANDIGARH

Case No. I. D. 144/89

N. K. Sharma Vs. State Bank of India

For the workman—J. G. Verma.

For the management—R. K. Chopra.

## AWARD

Dated, the 6th October, 1995

In exercising of the powers U.S 10(1)(d) of the Industrial Disputes Act, 1947 (for short called as the Act) Central Government vide No. L-12012/142/89-JR (B-III) dated 7th September 1989 has referred the following dispute to this Tribunal for adjudication :—

Whether the action of the State Bank of India regional Office, Haryana and U.T. Chandigarh in denying an opportunity for appearing in the test for promotion to officer-JMGs-I to Shri N. K. Sharma, Deputy General Secretary of the SBI Staff Congress, Chandigarh is legal and justified. If not, to what relief, the workman concerned is entitled and from what date ?

On receipt of the reference notices were issued to the workman as well as to the management. The workman submitted statement of claim on 15-5-90. It was alleged that the workman joined the services of the respondent Bank on 4-9-76 at ballia City Kanpur Circle. He was confirmed on 4-3-1977 and was transferred to Chandigarh in December 1979. It is further alleged that the workman indulged in trade union activities for which the management started harassing him and victimising him and also ignoring him for promotions test. It is his case that written test for promotion to officer JMGs-I was held on 23-10-1988 by the management. Although the workman was eligible to appear in the test but his name was not included in the list of eligible candidates circulated among all the bank branches. However the workman received a telegramme on 24-5-1988 from the personnel manager to report for the promotion test on 23-10-1988 at D.A.V. College Chandigarh. It is alleged that workman was victimised by charging him for creating riotous and disorderly scene. It is also alleged that workman is Deputy General Secretary of the Union and regularly attends proceedings before the Asstt. Labour Commissioner and defends co-workers in the departmental proceedings and the action of the respdt. Bank in issuing telegramme is indirect threat to him in curbing his trade Union activities and also an eye-opener to his co-workers to desist them from joining the SBI Staff Congress and the same is unfair labour practice. It is also his case that during conciliation proceedings union demanded that the result of the test should be withheld till the settlement of the dispute but the bank did not agree to rectify its lapse and ultimately declared the result of the said test. In short the grievance of the workman is that action of the bank denying opportunity to appear in the test for promotion to officer JMGs-I he declared illegal and unfair labour practice and the workman should be declared promoted from the date other eligible candidates were promoted and the management should be directed to pay difference of wages and all other benefits alongwith interest and penalties.

The management has admitted the allegation regarding his joining the services of the bank, his confirmation and transfer to Chandigarh and also of his being the member of the SBI Staff Congress. It was also admitted that the test for promotion to cadre of JMGs-I was held on 23-10-1988 and all the eligible candidates appeared therein. The plea however taken is that the workman was not eligible as he was facing charge sheet/departmental proceedings on the date of the test and therefore he was not allowed to appear in the test. It was pleaded that the telegram was in

advertantly issued and the mistake was rectified later on. A prayer for the rejection of the claim was made.

The workman submitted replication controverting the allegations made in the written statement and reiterated his earlier pleas of the claim statement.

Workman appeared and submitted his affidavit Ex. W-1, copy of telegramme Ex. W-2, regd. letter sent by the bank Ex. W-3, envelop Ex. W-4. During cross-examination he admitted that he was charge sheeted by the bank on 31-5-1986 and was given punishment by the Disciplinary authority on 17-2-1989. He further stated that the punishment imposed upon him is subject matter of the Writ Petition filed by him in the Hon'ble High Court which stands admitted. He denied that as per Ex. M-1, he was not eligible for appearing in the promotion test. The management has produced Ex. M-1/A affidavit of Bikramjit Singh Bawa who appeared in the witness box as MW-1 and stated that the telegramme to the workman for appearing in the test was sent due to oversight. He further stated that the workman was charge sheeted on 31-5-1986 and the punishment was imposed upon him on 17-2-89. He also stated that the test was held on 23-10-1988. Alongwith the affidavit, management have also produced copy of Award staff dated 8-5-1979, para 377 of SBI Reference Book on staff matter Vol. II issued by LHO, Chandigarh. The same has been annexed as annexure A&B alongwith affidavit Ex. M-1. Perusal of para 377 referred to above show that if disciplinary proceedings are pending against an employee or if the bank is satisfied there is a prima facie case for proceeding against him in near future he will not be considered for promotion. Copy of the Award staff debarment policy placed on the file shows that the bar will operate from the date the employee is served with the charge sheet. It is admitted position on the record that the workman stood charge sheeted on the day of the test i.e. 23-10-1988. He was thus not eligible for appearing in the promotion test. The sending of the telegramme Ex. W-2 and registered letter Ex. W-3 does not make the workman eligible for participation in the promotion test. The management has explained that the same was sent inadvertently by the Personnel Department of the management.

From the above discussion, it is thus quite apparent that the action of the State Bank of India Regional Officer Haryana and U.T. Chandigarh in denying an opportunity for appearing in the test for promotion to officer IMGs-I to Shri N. K. Sharma Deputy General Secretary of State Bank of India Staff Congress, Chandigarh is perfectly legal and justified and he is not entitled to any relief whatsoever.

The reference shall stand answered accordingly. Appropriate Government be informed.  
Chandigarh.  
Dated : 6-10-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 2 नवम्बर, 1995

का आ. 3105—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार जम्मू एण्ड कश्मीर बैंक लि. के प्रबंधन के संबंध में निम्नलिखित आदेशों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 2/11/95 को प्राप्त हुआ था।

[संख्या एल—12012/158/90—आईआरबीआई]

पी. जे. माईकल, डैस्क अधिकारी

2698 GI/95—7.

New Delhi, the 2nd November, 1995

S.O. 3105.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of J&K Bank Ltd. and their workmen, which was received by the Central Government on 2-11-1995.

[No. L-12012/158/90-IR (B-I)]

P.J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 101/90

#### BETWEEN

Shri Viveka Nand Sethi, Cashier-cum-Clerk (Ex.),  
Jammu and Kashmir Bank Limited resident of  
Samba Distt. Jammu ..Workman.

V/S.

The Jammu and Kashmir Bank Ltd., through Chairman  
.. and Others ..Management.

#### PRESENT :

For the workman—Shri Rakesh Sharma.

For the Management—Shri R. K. Jain.

#### AWARD

Dated, the 4th October, 1995

The Central Government, in exercise of the powers conferred under Section 10(1)(d) of the Industrial Dispute Act 1947, referred as per notification No. L-12012/158/90-IR (B-III) dated 7-8-1990 to the present Tribunal, the present matter for adjudication :

“Whether the action of the management of the Jammu and Kashmir Bank Ltd., represented through Chairman, J&K Bank Ltd., Srinagar, Manager (Personnel) Srinagar and the General Manager, Jammu in terminating the Service of Shri Viveka Nand Sethi w.e.f. 8-2-1984 is justified? If not to what relief the workman is entitled to and with what effect.”

After receipt of the above said reference from the appropriate Government notices to the parties were issued by my predecessor with a view to provide an opportunity to both the parties to file their claims, reply and rejoinder to the reply filed by the Management. The workman filed his claim petition dated 27-8-1990 and the respondent management filed their objections to the claim petition dated 5-9-1991. The workman thereafter filed a rejoinder affidavit dated 21-4-1992 reiterating his assertions in his claim petition.

After submission of claim petition by the workman and its reply by the respondent management and rejoinder thereto, the parties were afforded an opportunity to lead their evidence for adjudication of the issue as referred to this Tribunal by the Central Government while the workman filed his affidavit as Ex. W-1 the management also filed its affidavit as Ex. M-1 through the Deputy General Manager of the respondent bank. Both the parties also tendered certain documents for perusal by the Tribunal. After the affidavits were tendered in the form of evidence both the parties were afforded the opportunity to cross-examine the witness. Thereafter the workman and the respondent management close their respective evidence.

I have heard the representatives of the parties and have also gone through the record minutely. Ex. WW-1, Shri Viveka Nand Sethi in his evidence deposed that he was

employed as clerk-cum-cashier after completion of apprenticeship with respondent bank w.e.f. 8-9-1981 and after completion of the probationary period, he was confirmed as such by the respondent bank. He further stated that his services were terminated by the respondent management on 17-5-1984 w.e.f. 8-2-1984 by giving retrospective effect to the said order. He further asserted that the impugned order was passed by the respondent management without affording him any opportunity as per requirement of law. He also stated that he had proceeded on 15 days leave on 10-10-1983 on account of his ill health and he had been getting his said leave extended with the support of Medical certificate from time to time and thus on account of this lapse the respondent management ultimately dispensed with his services justifying the termination in view of the B. P. Settlement which in my opinion, does not cover the case of the petitioner dismissal from service, as the same is contrary to the spirit of law. The respondent management in its affidavit Ex. M-1, however, denied the assertions of the workman and emphasised that the impugned order had been issued by the respondent management after complying with principle of natural justice and memorandum of settlement dated 8-9-1988. According to the management, the petitioner remained absent from duty unauthorisedly w.e.f. 10-10-1983 till the order of his voluntary retirement was passed by the management as per B.P. Settlement. It was further submitted that the workman was given an opportunity to show cause for his unauthorised absence from duty, but he did not choose to avail of the same. He was also asked by the management to resume duty, but he failed to do so and ultimately the respondent management had no alternative but to pass the said impugned order. In his cross examination, Ex. MW-1 P. K. Bhatt, Deputy General Manager Law, in any case, admitted that no departmental enquiry had been conducted on account of said lapse against workman prior to the passing of the termination order. The workman tendered into evidence documents Ex. W-2 to W-7 and the said documents were also relied upon by the respondent management.

The representative of the workman admitted that the workman had proceeded on leave by submitting an application for grant of P. Leave w.e.f. 10-10-1983 and before expiry of said leave he sent a telegraphic message for extension of the leave. He further indicated that thereafter, he received a notice Ex. W-2 from the management, to which the workman submitted a reply vide his communication Ex. W-3. He emphasised that the respondent management was not justified in invoking the provisions of the B.P. Settlement for purposes of termination from service of the workman. The representative of respondent management, in any case, admitted that no enquiry was held in the matter, as according to him it was not necessary, because the retirement was ordered in view of the B.P. Settlement. Interestingly the respondent management did not care to place on record the B.P. Settlement dated 8-9-1993 as relied upon by them. They should have tendered this document in evidence, as they are repeatedly relying upon the same. In the absence of the B.P. Settlement on record, this court cannot know as to what were the contents of the said B.P. Settlement and whether the same is relevant or not for purposes of adjudication of the present dispute. It is admitted that the respondent management issued a memorandum dated 2-11-1983 Ex. W-2 for ascertaining the explanation of the workman with regard to his absence from duty by the fact remains that no enquiry was held into the matter. Unauthorised absence from duty, as alleged, is admittedly a misconduct in the Government service and evidently for removing employee from service, which amounts to a major penalty, an enquiry is required to be held. The respondent management, somehow, has not been able to explain this lapse on their part. In case, they had anything to counter it in the B.P. Settlement, they should have at least placed the said document on record for appreciation by this court. As held in "H. S. Chandershekhar V/S G.M., MSRTC and others—1975 SLJ Sr. no. (v), holding an enquiry into the cause of the workman absence would be absolutely necessary. Since the respondent management has failed to comply with this requirement of law evidently the impugned order terminating the services of the workman w.e.f. 8-2-1984 was patently unjustified and the same deserves to be quashed.

In view of the findings as above, the workman is accordingly ordered to be reinstated in service with benefit of past service. The workman has, however, not been able to make clear whether he has been without employment during the intervening period. In the absence of any evidence on record, it can, thus, be presumed that he has been engaging himself somewhere for making his both ends meet. In such a situation, it is accordingly ordered that consequent upon his reinstatement in service, he shall not be entitled to any back wages. The reference shall stand answered accordingly.

Chandigarh.

Dated : 4-10-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 2 नवम्बर, 1995

का. आ. 3106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार शिवालिक क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2/11/95 को प्राप्त हुआ था।

[संख्या एल—12012/230/93—आईआरबीआई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 2nd October, 1995

S.O. 3106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Shivalik Kshetriya Gramin Bank and their workmen, which was received by the Central Government on 2-10-95.

[No. L-12012/230/93-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH.

Case No. I. D. 22/94

Bhushan Sharma

Vs.

Shivalik Kshetriya Gramin Bank

For the workman : Workman in person.

For the management : Shri P. S. Sobti.

AWARD

Dated : 28-9-95

In exercise of the powers U/S 10(1)(d) of the Industrial Disputes Act, 1947. (for short called as the Act), Central Govt. vide No. L-12012/230/93 dated 11th February 1994, has referred the following dispute to this Tribunal for adjudication :—

"Whether the withdrawal of cash allowance from Shri Bhushan Sharma, clerk-cum-cashier, by the management of Shivalik Kshetriya Gramin Bank is justified? If not, to what relief the workman is entitled to?"



On appearance, the workman, filed statement of claim alleging therein that he was handling the work relating to cash department and was paid cash allowance till June 1991 for the period of about five years. However on his transfer to branch office, where he was again paid allowance @ Rs. 199/- per month, yet in October 1992, this allowance was stopped and management started paying the same to Mrs. Shubh Lata cashier. He has therefore, demanded that the management was not justified in withholding the said allowance and the same should be made payable to him w.e.f. October 1992.

The management in the written statement filed hat the workman was paid cash allowance till such time he was sole cashier at the branch and the same was stopped as Mrs. Subh Lata was senior to the workman.

The workman submitted replication controverting the allegations made in the written statement by the management and reiterated the assertions as made in the claim statement.

The workman submitted his own affidavit and the case was fixed for cross-examination of the workman. The workman submitted an application Ex. W1 stating that he does not want to proceed with the present reference. The statement of the workman has been recorded wherein he has stated that the management has assured him that the cash allowance will be paid as per seniority, therefore, he is not interested to pursue with the reference. The management also closed its evidence.

In view of the assertions made by the workman in Ex. W1 and also in his statement recorded, this reference shall stand returned against the workman.

Appropriate govt. be informed.  
Chandigarh  
28-9-95

S. K. BANSAL, Presiding Officer

नई दिल्ली, 2, नवम्बर 95

का.भा. 3107.—जबकि रेमण्ड सीमेंट चूनापत्थर खान, गोपाल नगर के प्रबंधन और उनके कामगारों जिनका प्रतिनिधित्व सीमेंट श्रमिक संगठन, गोपाल नगर द्वारा किया जा रहा है, के बीच एक औद्योगिक विवाद विद्यमान है।

और जबकि उक्त प्रबंधन और उनके कामगार, जि प्रतिनिधित्व सीमेंट श्रमिक संगठन, गोपाल नगर द्वारा किया जा रहा है, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उप-धारा (1) के अंतर्गत लिखित करार द्वारा उक्त विवाद को विवाचन हेतु भेजे जाने पर सहमत हो गये हैं और उक्त विवाचन करार की एक प्रति केन्द्रीय सरकार को अग्रेषित कर दी गयी है;

अतः अब उक्त अधिनियम की धारा 10-क की उप-धारा (3) के अनुमरण में केन्द्रीय सरकार उक्त करार को प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अंतर्गत)

के मध्य

पक्षकारों के नाम : श्री आर. सी. सिंह

नियोजक का प्रतिनिधित्व : एजेंट रेमण्ड सीमेंट चूना पत्थर खान,  
गोपाल नगर जिला-बिलासपुर (म.प्र.)

2698 GI/95—8.

कामगारों का प्रतिनिधित्व : श्री मदन चन्दरनी/अध्यक्ष/

करने वाले

श्री ओ. पी. नंगोत्री महानचिव,

श्री गणेशराम कश्यप कार्यकारी अध्यक्ष

संयुक्त श्रमिक संगठन गोपाल नगर।

पक्षकार, निम्नलिखित विवाद को विवाचन के लिए जे. बी. सेंगर, सदस्य जज औद्योगिक न्यायालय एन.आई.जी.-18, संकट-1 कृष्ण मदन, नर रायपुर के लिए संदर्भित किए जाने पर सहमत हो गए हैं।

(1) विवाद संबंधी विनिष्ट मामले :

चार खान कामगारों अर्थात् सर्व/श्री बाबूकि चन्द्राकर, महेश-कुमार सिंह हरिहर, सिंह और लालेश्वर तिवारी (सभी खनिक) रेमण्ड सीमेंट चूना पत्थर खान को 11-11-93 को प्रारम्भ होने वाली हड़ताल और हड़ताल की अवधि के दौरान श्रमिकविरुद्ध उपद्रवी/हिंसक गतिविधियों में उनके शामिल होने के कारण 26-11-93 से सेवा से बर्खास्त कर दिया गया था। उक्त कामगारों द्वारा सीमेंट श्रमिक संगठन को प्राधिकृत किए जाने पर संगठन ने उनके मामले को जिता प्रणामन और उप श्रमायुक्त (राज्य) बिलासपुर सहित भिन्न-भिन्न मंचों पर उठाया था। दोनों ही पक्षकार इस मामले को स्वैच्छिक विवाचन के लिए श्री जे. एम. सेंगर, सदस्य जज औद्योगिक न्यायालय रायपुर, जिन के लिए पक्षकारों ने एक विवाचन करार पर हस्ताक्षर किए थे तथा विवाचक के पाम उप श्रमायुक्त (राज्य) द्वारा अग्रेषित किए गए थे, के लिए संदर्भित किए जाने पर सहमत थे। विवाचक ने करार को इस टिप्पणी के साथ वापस भेज दिया था कि इसे उक्त खान कामगारों के संबंध में औद्योगिक विवाद अधिनियम की धारा 10-क के अंतर्गत प्रस्तुत नहीं किया गया है। अतः इस करार पर दोनों ही पक्षकार हस्ताक्षर करते हैं ताकि औद्योगिक विवाद अधिनियम की धारा 10-क के अंतर्गत इस मामले का श्री जे. एम. सेंगर सदस्य जज औद्योगिक न्यायालय, रायपुर द्वारा निम्नलिखित विचारार्थ विषयों के अधीन विवाचन किया जा सके :—

विचारार्थ विषय

(क) “क्या 26-11-1993 से सर्व/श्री बाबूकि चन्द्राकर, महेशकुमार सिंह, हरिहर सिंह और लालेश्वर तिवारी (सभी खनिक) को तौकरी से बरखास्त किए जाने की रेमण्ड सीमेंट वर्क्स के प्रबंधन की कार्यवाही कानूनी और न्यायोचित है ?

(ख) “यदि नहीं, तो संबंधित कामगार किस अनुतोष के हकदार हैं ? और उनका व्यौरा क्या होना चाहिए ?”

(2) अंतर्गत प्रतिष्ठान अथवा उपक्रम के नाम और पता सहित विवाद में शामिल पक्षकारों का व्यौरा ?

(क) रेमण्ड सीमेंट चूना पत्थर, गोपाल नगर, जिला-बिलासपुर (म. प्र.)

(2) श्री बाल्मीकि चन्द्राकर, श्री महेश कुमार सिंह, श्री हरिहर सिंह श्री लालेश्वर निवारी का प्रतिनिधित्व सीमेंट श्रमिक संगठन, गंगानगर नगर, जिला बिलासपुर (म.प्र.) द्वारा किया जा रहा है।

(3) कांसगार का नाम यदि वह स्वयं विवाद में अंतर्गस्त हो या संघ का नाम यदि कोई हो, जो संबंधित कामगारों का प्रतिनिधित्व करता है ? सीमेंट श्रमिक संगठन।

(4) प्रभावित उपक्रम में नियोजित कामगारों की कुल संख्या : 100 (एक सौ)।

(5) विवाद को प्रभावित अथवा संभवतः प्रभावित होने वाले कामगारों की अनुमानित संख्या : 4 (चार)।

विवाचक अपना पंचाट एक वर्ष की अवधि के भीतर अथवा हमारे बीच परस्पर लिखित करार द्वारा बढ़ाई गई अवधि के भीतर देगा। यदि ऊपर उल्लिखित अवधि के भीतर पंचाट नहीं दिया जाता है तो विवाचन के लिए संदर्भ स्वतः निरस्त हो जायेगा और हम नये भिरे से विवाचन हेतु बातचीत करने के लिए स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

नियोजक का प्रतिनिधित्व करने वाले कामगारों का प्रतिनिधित्व करने वाले

- |                       |                         |
|-----------------------|-------------------------|
| 1. (ह/-)              | (ह/-)                   |
| एम. के. सिंह          | संवल चक्रवर्ती          |
| कार्मिक प्रबंधक       | अध्यक्ष                 |
| रेमण्ड सीमेंट वर्क्स  | सीमेंट श्रमिक संगठन संघ |
| 2. (ह/-)              | (ह/-)                   |
| आर. सी. सिंह          | महासचिव                 |
| एजेंट-मह-निदेशक (खान) | सीमेंट श्रमिक संगठन सं  |
| 3. (ह/-)              | (ह/-)                   |
| एम. के. शर्मा         | कार्यकारी अध्यक्ष       |
| वाणिज्य निदेशक        | सीमेंट श्रमिक संगठन     |

साक्षी

- (ह/-) श्री बाल्मीकि चन्द्राकर
- (ह/-) श्री महेश कुमार सिंह
- (ह/-) श्री हरिहर सिंह
- (ह/-) श्री लालेश्वर निवारी

विवाचक की सहमति

कार्यालय, औद्योगिक न्यायालय खंडपीठ, जयपुर, मध्य प्रदेश

क्रमांक : 1672

रायपुर दिनांक : 1995

प्रति

सेवा नियोजक की ओर से

- श्री एस. के. शर्मा,  
कर्मशायल डायरेक्टर,

2. श्री एस. के. सिंह,  
कार्मिक प्रबंधक

सेवा नियुक्तों की ओर से

- श्री संवल चक्रवर्ती, अध्यक्ष
- श्री ओम प्रकाश गंगोत्री  
महामंत्री
- श्री राधेश्याम कश्यप  
कार्यकारी अध्यक्ष

विषय : रेमण्ड सीमेंट संघर्ष से एवं रेमण्ड सीमेंट चूना पत्थर खदान से निकाले गये श्रमिकों के पंच निर्णय के संबंध में।

संदर्भ : उपरोक्त विषय के संबंध में आपका पत्र दिनांकित 15-5-95

महोदय,

आपकी ओर से उपरोक्त विषय के संदर्भ में प्रस्तुत संदर्भित पत्र जिसके द्वारा पंच निर्णय हेतु मेरी स्वीकृति चाही गई है।

पंच निर्णय हेतु मेरी स्वीकृति है।

भवदीय

(जे. एस. संगर)

स सय नज,

औद्योगिक न्यायालय, खंडपीठ, रायपुर  
(म.प्र.)

[सं. एल-29013/1/95-आर्द आर (विविध)]

वी.एम. डेविड, डेस्क अधिकारी,

New Delhi, the 2nd November 1995

S.O. 3107:—Whereas an industrial dispute exists between the management of Raymond Cement Lime Stone Mines, Gopalnagar and their workmen represented by Cement Shramik Sangathan, Gopalnagar.

And whereas the said management and their workmen represented by Cement Shramik Sangathan, Gopalnagar, have, by written agreement under sub section (i) of Section 10 A of the Industrial Disputes Act, 1947 (14 of 1947) agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement,

Now, therefore, in pursuance of sub-section (3) of Section 10-A of the said Act, the Central Government hereby publishes the said agreement.

## AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947)

Between

Name of the parties :

Representing Employer : Shri R.C. Singh  
Agent, Raymond  
Cement Lime Stone  
Mines, Gopal Nagar,  
Dist. Bilaspur (M.P.).

Representing Workmen : Shri Sambal  
Chakraborty,  
President/Shri O.P.  
Gangotri, General  
Secretary,  
Shri Radheshyam  
Kashyap, Working  
President, Cement  
Shramik Sangathan,  
Gopalnagar.

It is hereby agreed between the parties to refer the following dispute to the Arbitration of Shri J.B. Senger, Member Judge, Industrial Court, HIG-16, Sector I, Krishna Sadan, Shankar Nagar, Raipur.

(i) Specific matters in disputes :

Four Mines workmen namely S/Shri Balmiki Chandrakar, Mahesh Kumar Singh Harihar Singh and Laleshwar Tiwari (all Miners, Raymond Cement Limestone Mines) were dismissed from the services w.e.f. 26-11-1993 on account of their involvement in the strike and alleged riotous/violent activities during strike period, which commenced from 11-11-93. The Cement Shramik Sangathan being authorised by aforesaid workmen espoused their case at different forums including the District Administration and Dy. Labour Commissioner (State), Bilaspur. Both the parties agreed to refer the matter for voluntary arbitration of Shri J.S. Senger, Member Judge, Industrial Court, Raipur for which an arbitration agreement was signed by the parties and forwarded by Dy. Labour Commissioner (State) to the Arbitrator. The Arbitrator returned the agreement observing that the submission is not made under Section 10-A of Industrial Disputes Act in respect of aforesaid mines workmen. Therefore, this agreement is signed by the parties for arbitration of Shri J.S. Senger, Member Judge, Industrial Court, Raipur, under Section 10-A of the Industrial Disputes Act under the following terms of reference :-

Terms of Reference

- (a) "Whether the action of the management of Raymond Cement Works in dismissing S/Shri Balmiki Chandrakar, Mahesh Kumar Singh, Harihar Singh and Laleshwar Tiwari (all Miners) from services with effect from 26-11-1993 is legal and justified?"

(b) "If not, to what relief the workmen concerned are entitled to ? And what should be the details?"

(ii) Details of the parties to the dispute including the name and address of the establishment of undertaking involved.

(a) Raymond Cement Limestone Mines,  
Gopal Nagar, Dist. Bilaspur (M.P.).

(b) Shri Balmiki Chandrakar, Shri Mahesh Kumar Singh, Shri Harihar Singh and Shri Laleshwar Tiwari, represented by Cement Shramik Sangathan, Gopal Nagar, Dist. Bilaspur (M.P.).

(iii) Name of the workmen in case he himself is involved in the dispute or the name of the Union, if any, representing the workman or workmen in question? : Cement Shramik Sangathan.

(iv) Total number of workmen employed in the undertaking affected : 100 (one hundred).

(v) Estimated number of workmen affected or likely to be affected by the dispute : 4 (Four)

The Arbitrator shall make his award within a period of one year or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh Arbitration.

## Signature of the Parties

Representing Employer	Representing Workmen
1. (Sd/-) S.K. Singh, Personnel Manager, Raymond Cement Works	(Sd/-) Sambal Chakraborty President, C.S.S. Union
2. (Sd/-) R.C. Singh, Agent-cum-Director (Mines)	(Sd/-) General Secretary, C.S.S. Union
3. (Sd/-) S.K. Sharma Commercial Director	(Sd/-) Working President, Cement Shramik Sangathan

Witness :

1. (Sd/-) Shri Balmiki Chandrakar
2. (Sd/-) Shri Mahesh Kumar Singh
3. (Sd/-) Shri Harihar Singh
4. (Sd/-) Shri Laleshwar Tiwari

# CONSENT OF THE ARBITRATOR

कार्यालय औद्योगिक न्यायालय खंडपीठ, रायपुर, मध्य प्रदेश

क्रमांक : 1672 रायपुर, दिनांक , 1995  
प्रति,

सेवा नियोजक की ओर से

1. श्री एस. के. शर्मा,  
कामगिरियन डायरेक्टर
2. श्री एस. के. सिंग,  
कार्मिक प्रबंधक

सेवा नियुक्तों की ओर से

3. श्री सम्बल चक्रवर्ती, अध्यक्ष
4. श्री ओमप्रकाश गंगोली,  
महामंत्री
5. श्री राधेश्याम कमरप,  
कार्यकारी अध्यक्ष

विषय:— रेमंड सीमेंट संयंत्र से एवं रेमंड सीमेंट चूना पत्थर  
खदान से निकाले गए श्रमिकों के पंच निर्णय के  
संबंध में ।

संदर्भ:— उपरोक्त विषय के संबंध में आपका पत्र दिनांकित  
15-5-95

महोदय,

आपकी ओर से उपरोक्त विषय के संदर्भ में प्रस्तुत  
संदर्भित पत्र जिसके द्वारा पंच निर्णय हेतु मेरी स्वीकृति चाही  
गई है ।

पंच निर्णय हेतु मेरी स्वीकृति है ।

भवदीय

(जे. एस. सेंगर)

सदस्य जज,

औद्योगिक न्यायालय, खंडपीठ,

रायपुर, (म. प्र.)

[No. L—29013/1/95—IR(Misc)]

B.M. DAVID, Desk Officer

नई दिल्ली, 2 नवम्बर, 1995

का.आ. 3108.—औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय  
सरकार श्री एन. सी. विल्लवारयार के प्रबंधन के संबंध  
नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट  
औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,  
मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार  
को 2-11-95 को प्राप्त हुआ था ।

[संख्या एन-44012/42/93-आई आर (विवाद)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd November, 1995

S.O. 3108.—In pursuance of Section 17 of the In-  
dustrial Disputes Act, 1947 (14 of 1947), the Central  
Government hereby publishes the Award of the In-  
dustrial Tribunal, Madras as shown in the Annexure,  
in the industrial dispute between the employers in  
relation to the management of Shri L. C. Villavarayar  
and their workman, which was received by the Cen-  
tral Government on the 2-11-95.

[No. L-44012/42/93-IR (Misc.)]

B. M. DAVID, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Friday, the 22nd day of September, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L.,  
Industrial Tribunal

Industrial Dispute No. 94/1994

(In the matter of the dispute for adjudication under  
Section 10(1) (d) of the Industrial Disputes Act,  
1947 between the Workman and the Management of  
L. C. Villavarayar, Tuticorin).

BETWEEN

Sh. P. Ravi,  
C/o The General Secretary,  
Tirunelveli District, Democratic  
General Workers' Union,  
Tuticorin-628001.

AND

L. C. Villavarayar,  
C/o The Secretary,  
The Tuticorin Sailing Vessel  
Owners' Association,  
72, Thattar Street,  
Tuticorin-628001.

Reference : Order No. L-44012/42/93-IR(Misc),  
dated 1-3-94, Ministry of Labour, Govt  
of India, New Delhi.

This dispute coming on for final hearing on Friday,  
the 15th day of September, 1995, upon perusing the  
reference, Claim statement and all other material  
papers on record and upon hearing the arguments of  
Tvl. R. Arumugam and M. Jayaprakash, Authorised  
Representatives, for the workman, and the Manage-  
ment being absent, and this dispute having stood over  
till this day for consideration, this Tribunal made the  
following.

## AWARD

The Government of India, by its Order No.  
L-44012/42/93-IR(Misc), dt. 1-3-94, referred before  
this Tribunal for adjudication the following dispute :

"Whether the action of the Management of  
L. C. Villavarayar in denying employment  
to Sh. P. Ravi, is justified ? If not, to what  
relief the concerned workman is entitled ?"

2. The case of the petitioner is as follows :

The petitioner was working as one of the boat man  
under the respondent in Boat No. TU 45 from 1980.  
The duties of the boat man are to carry the Cargo in

the boats to the Ship and also to bring the cargo from the Ship to the Shore. The respondent paid monthly wages on a piece rate basis at Rs. 1,500 to Rs. 2,000 per month. He also paid Rs. 5 as bata to the petitioner and other similar workers working with the petitioner, and also paid Rs. 35 as educational allowance to their children. The petitioner and other similar workers working with other boat owners joined together and formed a Union to place their grievances before the Management. The petitioner made several demands before the Management. The respondent and other boat owners terminated the service of the President of the Union. The respondent refused to give work to the petitioner from 13-2-91. All the workers went on a strike for 15 days from 27-1-91. Conciliation talk before the Collector did not materialise. Hence they raised the dispute before the Conciliation Officer. After failure of the conciliation, the Central Government has referred the dispute for adjudication. The respondent denied employment to the petitioner only on the sole ground that a new union was formed and the petitioner joined in that Union. Petitioner was not charge sheeted. No enquiry was conducted. The action of the respondent in denying employment is in total violation of principles of natural justice. The petitioner has put in more than 12 years of continuous service. The petitioner is a permanent boat man and cannot be thrown out in that fashion. Various provisions of the Industrial Disputes Act are not followed. The action of the respondent is clearly an unfair labour practice, and victimisation. Hence the dispute has been raised.

### 3. The respondent remained ex parte.

4. WW1 was examined and Exs. W-1 to W-4 were marked through him. According to him, he was working as a boat man from 1980 under the respondent. In 1991, workers formed a union and placed demands before the Management. Aggrieved by the demands by the petitioner and others, the respondent refused to give work to the petitioner from 13-2-91. The petitioner had put in more than 12 years of continuous service. He was not charge sheeted and No enquiry was conducted. The provisions of the Industrial Disputes Act particularly Sec. 25-F was not followed. So, it is clearly proved from the evidence of WW1 and the documents marked, the denial of work to the petitioner by the respondent is not justified.

In the result, an award is passed directing the respondent to reinstate the petitioner in service with continuity of service and back wages. No costs.

Dated, this the 22nd day of September, 1995.

**THIRU N. SUBRAMANIAN, INDUSTRIAL TRIBUNAL**

**WITNESSES EXAMINED**

For Workman : WW1 : Thiru P. Ravi.

For Management : None.

**DOCUMENTS MARKED**

For Workman :

Ex. W-1 : Xerox copy of Photo pass given to the workman Thiru P. Ravi by the Management.

W-2 : Dispute raised by the workman under Sec. 2-A of the I.D. Act, 1947 before the Assistant Labour Commissioner (Central), Madras (copy).

W-3 : Counter filed by the Management before the Labour Enforcement Officer (Central) (Xerox copy).

W-4/series : Correspondence between General Secretary, of Boat Workers' Union, Tuticorin and District Collector, Tuticorin and other connected documents (xerox copy).

For Management : Nil

नई दिल्ली, 3 नवम्बर, 1995

का. आ. 3109.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, मद्रास के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-95 को प्राप्त हुआ था।

[संख्या एल-12012/871/88-डी. 2(ए)/आई.आर. (बी. 2)]

बी. के. शर्मा, डस्क अधिकारी

New Delhi, the 3rd November, 1995

S.O. 3109.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 2nd November, 1995.

[No. L-12012/871/88-DII(A)/IR(B.II)]

V. K. SHARMA, Desk Officer

**ANNEXURE**

**BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS**

Wednesday, the 4th day of October, 1995

**PRESENT :**

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal.  
Industrial Dispute No. 35/1989

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Indian Bank, Madras)

**BETWEEN**

Smt. Prema Venkatachari,  
4-B-7, Shanthi Apartments,  
1st Floor Rakiappa Pillai Street,  
Mylapore, Madras-600004.

**AND**

General Manager  
Indian Bank,  
31, Rajaji Road,  
Madras-600001.

**REFERENCE :**

Order No. L-12012/871/88-D.II(A), dated 28th March, 1989, Ministry of Labour, Government of India. New Delhi.

This dispute coming on for final hearing on Monday, the 4th day of September, 1995 upon perusing the reference Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiru N.G.R. Prasad for Tvl. Row & Reddy & S. Vaidyanathan, Advocates appearing for the Workman and of Thiru G. Venkataraman, for Tvl.

Aiyar & Dolla and R. Arumugam, Advocates appearing for the Management, and thus dispute having stood over till this day for consideration, this Tribunal made the following :—

#### AWARD

Government of India, by its letter No. L-12012/871/88-D.II(A), dated 28th March, 1989, referred under Section 10(1)(d) of the I.D. Act, 1947 for adjudication before this Tribunal regarding the dispute :

"Whether the action of the Management of Indian Bank in dismissing from services Smt. Prema Venkatachari, is justified? If not to what relief is the workman entitled?"

#### 2. The case of the petitioner is as follows.

The petitioner-workman was employed as a Clerk-cum-Typist in the Harbour Branch of the respondent-bank. She had put in 10 years of service without any adverse remarks. The petitioner was dismissed by the bank by its order dated 16th June, 1980 which was later confirmed by the Appellate Authority on 7th May, 1981. After confirmation of the dismissal order by the Appellate Authority the petitioner filed an appeal under the Tamil Nadu Shops and Establishment Act before the Deputy Commissioner of Labour, Madras. The Assistant Commissioner of Labour dismissed the appeal on 21st March, 1985. The petitioner filed a Writ petition on 16th April, 1985. It was also dismissed by the Single Judge on 18th June, 1987. In the mean time the Supreme Court dismissed C. V. Raman's appeal holding that the Shop Act will not be applicable to the Nationalised Banks. Thereafter on 29th July, 1988 the petitioner filed a petition under Section 2-A of the Industrial Disputes Act. The charge sheet dated 23rd August, 1975 contained 2 charges. The first charge was while the petitioner was working in the harbour branch, she had withdrawn by pay orders certain amounts against uncleared cheques and local drafts drawn on the Tanjore Permanent Bank, Triplicane. The second charge was in the year 1983 she was dealing in saree business. The petitioner submitted his explanation denying the allegations. The second charge was vague because it did not contain the names of persons with whom she is supposed to have done the business. The departmental enquiry was conducted. The first charge was under Para 19.5(j) of the Bi-partite Settlement. In the instant case, there was no evidence of any monetary loss to the bank. All the cheques and local drafts against which pay orders have been issued were fully honoured. The only evidence was that the permission of the Manager was not obtained. In this case, the Accountant had asked the concerned Officer to make the payment without going through any such formality. The Management found guilty of the petitioner for Charge No. 1, even though there was no evidence of negligence, much less gross negligence, or any possible serious loss to the bank. Regarding charge No. 2 also there was no evidence. Merely introducing a person to her friends who wanted to buy sarees does not amount to doing business. The Disciplinary Authority did not take into consideration the past record of service of the Petitioner. This is contrary to 19.12(c) of the Bi-partite Settlement. The dismissal order was mechanically confirmed by the Appellate Authority. According to Para 19.12(c) the admission can be relied upon only if the employee had admitted his guilt after being put on notice that for this charge the employee was liable to be dismissed. The dismissal is contrary to the decision of the Orders of the High Court dated 13th May, 1970 in W.P. 2384/76 as confirmed in W.A. 524 & 680 of 1979. In the absence of any finding on gross negligence and serious loss, the bank was not justified in holding the petitioner guilty of Charge No. 1. Regarding Charge No. 1, the Management witness itself admits that pay orders are issued against uncleared cheques or local drafts but only the permission of the Manager has to be obtained. In this case, the Accountant had permitted Pay orders to be issued. Hence there was no misconduct at all for which the petitioner could be proceeded. The Disciplinary Authority was not justified in relying upon so called admission because the petitioner had not admitted her guilt in her explanation. Unless the employee makes an unqualified admission at the Domestic enquiry the Management cannot rely upon the same. Regarding charge No. 2 there was hardly any evidence that she was doing any business. The evidence of Durakannu and Meerabai clearly proves that she was only introducing her friends to the dealer. The Management took nearly 6 years after the charges were framed.

All these years the petitioner was in service. The domestic enquiry was defective because the Management did not give the petitioner the copies of the reports on the basis of which Charge No. 1 was framed. Hence the Hon'ble Court may be pleased to pass an award holding that the dismissal is illegal and reinstate the petitioner with back wages and continuity of service.

3. The respondent-bank filed its counter contending that the petitioner after having been dismissed from the bank's service filed a petition before the Shop Act Authority challenging the dismissal. The Shop Act Authority dismissed her appeal and the Writ filed by her was also dismissed by the High Court and the petitioner has chosen to seek remedy under the Shop Act and same is attained finality by the dismissal of the Writ petition. The Division bench of the Madras High Court has held that after a decision has been rendered under Section 41(2) of the Tamil Nadu Shops & Establishment Act, before the Government had made a reference under Section 10 of the I.D. Act, the decision of the Shop Act Authority would be final. The Disciplinary Authority concurred with the findings of the Enquiry Officer and awarded the punishment after hearing her personally. The petitioner in her explanation has admitted having committed the misconduct but she did them without knowing the consequences and therefore pleaded for a lenient view. Even at the commencement of the enquiry, the petitioner has pleaded guilty of the charges levelled against her. The petitioner violated the basic norms that governs bank by involving herself in kite flying operations. The very fact that the respondent-bank employee is engaged in a practice of Kite Flying Operations is an act prejudicial to the interest of the bank. The Disciplinary Authority took into account the gravity of the misconduct committed by the employee by misusing her official position in the bank, awarded the punishment of dismissal. Though it is a fact that cheque drawn on Tanjore Permanent Bank Ltd., was duly honoured, it was established in the enquiry, that there was no funds in the said account whenever the cheque was deposited by the petitioner in the harbour branch. Withdrawals against uncleared cheques can be made with prior permission of the Manager or Assistant Manager. But when such uncleared cheques are issued without any balance in the account, the balance is made good after a day or two when the cheque is presented for payment is the kite flying operations. The petitioner who issued the cheques is aware that such cheques are issued without funds. The charges against the petitioner were established on the basis of oral and documentary evidence let in during the enquiry proceedings. The respondent-bank made available all the documents that were relied upon by the respondent to establish the charges levelled against the petitioner. The petitioner committed misconduct within short period of her service in the bank. There was nothing in her past service to be taken into account while awarding the punishment of dismissal. The bank did not take any vindictive action against the petitioner. Hence the claim of the petitioner may be dismissed.

4. By consent Exs. M-1 to M-3 and W-1 to W-9 were marked.

5. The point for consideration is : "Whether the action of the Management of Indian Bank in dismissing from service Smt. Prema Venkatachari is justified; if not to what relief is workman entitled to?"

6. The Tribunal has given a finding that the domestic enquiry conducted by the Enquiry Officer in this case is fair and proper. So no argument was advanced on the procedure of domestic enquiry.

7. The Point.—The petitioner was employed as a Clerk-cum-Typist in the Harbour Branch of the respondent-bank 10 years prior to her dismissal on 16-6-80. According to the petitioner during the period from January, 1971 to April 1974 the petitioner withdrew on various dates amount totalling over 4 lakhs from her Savings Bank Account against uncleared cheques drawn by her, on Savings Bank Account, Current Account with Tanjore Permanent Bank Ltd., Triplicane Branch. Amounts were withdrawn not against the available funds in the account but were only accommodation cheques. This is Charge No. 1, against the petitioner. Further during the year 1973 the petitioner was dealing in Saree business without the permission. This is Charge No. 2. Ex. W-1 is the charge sheet, Ex. W-7 is the Show Cause Notice. Ex. W-8 is the explanation submitted by the petitioner. Thereafter a domestic enquiry was conducted. Ex.

Ex. W-9 is the Enquiry proceedings. Ex. W-2 is the findings of the Enquiry Officer. Ex. W-4 is the dismissal order dated 16-8-80 and W-6 the order of the Appellate Authority dated 7-5-81. Charge No. 1 is framed as per Para 19.5(j) and Charge No. 2 under 19.5(a) of the Bi-partite Settlement. The allegation in Charge No. 1 is that during the period of January 1974 to April 1974 the petitioner withdrew on various dates a sum of Rs. 4 lakhs from her Savings Bank Account No. 2120 against uncleared cheques drawn by her. According to the respondent the action of the petitioner will amount to an Act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss. The fact that the petitioner withdrew amount from her Savings Bank Account on uncleared cheques and drafts is admitted by her in her explanation. Ex. W-8. But she has stated she has done this without knowing the implications and consequences of such Act. It is further contended by the respondent that petitioner herself admitted at the beginning of the proceedings before the Enquiry Officer when she was questioned whether you plead guilty. She admitted her guilt. So it is argued by the respondent's counsel that the petitioner herself admitted the charges voluntarily. It is argued by the petitioner's counsel that to act on the admission it must be unqualified admission, after explaining the two charges levelled against the workman. The petitioner admitted in her reply explanation that she withdrew money from her service break Account on uncleared cheques. That does not mean that she has committed an act of misconduct. To come under act of misconduct under Para 19.5(j) it must be done with an intention or with a knowledge or wish, thereby causing loss to the bank. It is admitted that the petitioner issued Pay Orders and cheques for payment from her Savings Bank Account. It is the evidence of the Management witness that Pay orders will be passed only by the Manager. In the present case, the payments were made on the pay orders by the petitioner but without getting the permission of the Manager. On the other hand, Accountant has issued orders for payment. It is not the case of the Management that the petitioner approached any of the bank official to influence them to pass the pay orders and cheques or uncleared cheques. Except the petitioner issued pay order and cheque, she has not pursued the matter further. Normally if a cheque or pay order is issued for payment, ledger clerk must verify first whether there is any amount on the credit of the account. Then only the instruments will be passed for payment. MW1 is K. Parasuraman, who is an Officer in the bank. He admitted in his evidence, that the petitioner never approached him for passing for payment of cheques. It is also the case of MW1 that permission should be obtained either from the Manager or Accountant for passing cheques or Pay orders against uncleared cheques. As admitted by MW1, the ledger Clerk will be the first person to know whether the draft or pay order is drawn against uncleared cheques. Under the above evidence, he further states the Ledger Clerk should have obtained permission from the Manager or Accountant. In this case, the Accountant has permitted to withdraw the amount on the Pay Orders issued by the petitioner. MW2 is another bank officer also admitted the petitioner never approached him for passing any orders for payment. MW3 has admitted that the Savings Bank Account of the petitioner has got sufficient funds when Pay Orders and Cheques were honoured. According to MW4 it was not the practice in the respondent-bank to verify the account before passing the Cheques or Pay Orders. The Management witness Srinivasamurthy, admitted in his evidence the petitioner never approached him for passing Order, Savings Bank Cheques and Pay Orders which were marked as Ex. M. 4, in the proceedings. But he says that he never verified the account before passing the cheque. Management witness Muthuraman has stated oral orders have been obtained for passing the cheques because the Accountant himself passed the cheques. Management witness R. Krishnamurthy, Accountant of Harbour branch has stated in his evidence, only the Ledger Clerk is the person who checks the ledger will know about availability of funds in the account. Further he says normally they won't allow large sums. But for members of staff they used to allow for small sums to be withdrawn against uncleared cheques and local drafts. Therefore, from the evidence of the Management witness it is evident that all concerned Clerks and Officers passed the Pay Orders without verifying the accounts of the petitioner. It may be true that the Manager and the other Officers may not be aware of the availability of the funds at the time of passing the cheques. But the Ledger Clerk is the first person to know on receipt of the cheque or Pay Order to verify whether there is sufficient fund or

not in the account. If there is no sufficient fund it is the duty of the Ledger Clerk to bring it to the notice of the authorities before passing the cheque or pay order. It is not the case of the Management that the petitioner influenced any of the Officers or Staff to get her Pay Orders passed. It is not the case of the Management further she made any entry in her account crediting the amount of uncleared cheques and withdrew the money. It is argued by the respondent's counsel that the petitioner used her position as a staff of the bank in getting the amount drawn. But it is not the charge that she used her position. If one of the customers issued pay order for withdrawal of money, it is the duty of the concerned Clerk and the Manager and other Officials to verify the availability of funds before passing the cheque or Pay Order. For the negligence of the staff and other Officers in passing the Pay Orders and Cheques issued by the petitioner, the petitioner cannot be punished.

8. Further it is argued by the petitioner's counsel that no financial loss was caused to the bank, by the action of the Petitioner. It is admitted by the Management that cheques and drafts deposited by the petitioner were honoured and collected. It is true it might have taken 2 or 3 days for collection. It is not the case of the Management that the petitioner made any thing to delay the despatch of the cheques and drafts in sending for clearance. There may be interest loss to the bank for 1 or 2 days. It cannot be a serious financial loss to the bank to come under serious misconduct.

9. As per the decision of our High Court in W.P. 2384/76 and confirmed in W.A. Nos. 524 and 680 of 1979, withdrawing amount on uncleared cheques and thereby causing loss of interest to the bank will not amount to a serious misconduct as there is no gross negligence or a serious loss has been committed. Therefore, withdrawal of the amount by the petitioner on uncleared cheques and drafts even though admitted, she has not done it with any intention to cause any serious loss to the bank. But at the same time, only due to the negligence on the part of the staff and officers of the bank, the amounts have been paid to the petitioner on uncleared cheques. The petitioner cannot be blamed or held responsible for withdrawing the amount on uncleared cheques. So, the findings of the Enquiry Officer that Charge No. 1 is proved against the petitioner is not correct.

10. Charge No 2 is that in 1973 the petitioner was doing saree business without the permission of the bank. To prove that charge the Management has examined one Venkatesan and one Mr. Srinivasan, Officer, Mr. Duraiannu and Chakravarthy and Meerabai, Officer of Adyar branch. Mr. Venkatesan has stated in his evidence that petitioner was doing saree business. He purchased one saree on monthly instalment basis of Rs. 10 per month and he repaid the amount. This witness was not cross-examined by the petitioner. The other Bank Officer Mr. Srinivasan has stated in his evidence one day when he went inside the room in FX department, he saw few sarees there. When he enquired about it, he was told that they were for sale by Smt. Prema. He purchased one saree and paid her the full amount. He was also not cross-examined by the petitioner. The other witness Sivasubramanian, Officer, Vigilance Department of the bank has stated in his evidence, that petitioner was doing saree business while she was in Harbour branch and he purchased from her 2 or 3 sarees after paying full amount. The witness was also not cross-examined. According to Duraiannu his wife was not actually doing business. She used to help friends to purchase sarees. She introduced her friends to the shop owner. Whenever there is any default she will collect the money and pay to the shop keeper. He also further says that the petitioner had also committed default and she subsequently paid the amount. The witness Chakravarthy, Peon of the Bank has stated while the petitioner was working in Harbour branch she was doing saree business and he purchased one saree from her and he paid Rs. 40 in 4 monthly instalments. That witness was also not cross-examined, by the petitioner. Except the evidence of Meerabai who has stated in her evidence to her knowledge the petitioner was not doing any saree business, the evidence let in on the side of the Management clearly prove that the petitioner was doing saree business in one or two occasions and she used to sell the sarees to the staff of the bank. Those witnesses were also not cross-examined by the petitioner. There is no motive for this bank officials and staff to speak against the petitioner, falsely saying that the petitioner was doing saree business. The petitioner's counsel argued that she was not

actually doing saree business but she introduced her friends to the saree shopowner and she collected dues if any and paid to the shop owner. But from the evidence of the Management witness, sarees were sold in the bank building itself as per the evidence of Mr. Srinivasan. So to prove the Charge No. 2 there is sufficient evidence on the side of the Management. So the findings of the Enquiry Officer regarding Charge No. 2 is perfectly correct.

11. It is argued by the petitioner's counsel that the punishment of dismissal is disproportionate to the alleged misconduct levelled against the petitioner. As I already pointed out, Charge No. 1 is not proved. Charge No. 2 selling of sarees is a misconduct coming under 19.5(a) viz., engaging in any job or business put side the scope of his duties except with the written permission of the bank. It is a gross misconduct as per Para 19.5 of the Bipartite Settlement. As punishment, for gross misconduct dismissal may be imposed. It is not the only punishment contemplated for gross misconduct under para 19.6. Apart from the dismissal without notice, other punishment like, warning, censure, fine, increment stoppage and finally condonation are also provided. For every gross misconduct the punishment of dismissal is not the only punishment. The nature of the gross misconduct and gravity of the misconduct has to be taken into consideration before imposing the punishment of dismissal. Selling saree on one or two occasions without the permission of the bank authority is not a grave misconduct which will affect the business of the bank. Even though it is a gross misconduct, it will not warrant such a punishment of dismissal. Considering the gravity of the misconduct and the nature of the misconduct committed by the petitioner, stoppage of increment will meet the ends of justice.

12. It is argued by the respondent's counsel in case the Tribunal comes to the conclusion that the petitioner has to be reinstated in service, she is not entitled for backwages because the petitioner after her dismissal on 16-8-80 and confirmed by the Appellate Authority on 7-5-81 she has chosen a wrong form to ventilate her grievance by filing an appeal under the Shop Act and filing the Writ against the dismissal of the Shop Act appeal before the High Court. The Management is not responsible for the petitioner to proceed under the wrong forum and therefore, they are not liable to pay backwages if any to the petitioner. Admittedly till the order of termination the petitioner was in service. Subsequent to her termination, she has filed an appeal under the Shops Act and pursued the matter till 21-4-88 when the Supreme Court dismissed C. V. Raman's appeal holding that the Shop Act will not be applicable to the nationalised banks, thereafter only on 29-7-88 she raised a dispute under Sec. 2-A of the I.D. Act. Therefore, the petitioner is entitled for backwages only from 29-7-88 when she filed Petition u/s. 2-A.

In the result, an award is passed setting aside the order of termination of the petitioner. Stoppage of two increments with cumulative effect is imposed. The Management is directed to reinstate the petitioner in service with continuity of service. The Management is also directed to pay the backwages to the petitioner only from 29-7-88. No costs.

Dated, this the 4th day of October, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal  
WITNESSES EXAMINED

For both sides : None.

#### DOCUMENTS MARKED

For Workman

Ex. W-1/23-8-75 : Charge sheet issued to the Workman Smt. Prema Venkatachari (Xerox copy).

W-2/11-8-89 : Findings of the Enquiry Officer (Xerox copy).

W-3/28-7-80 : Reply by the Workman to the Show Cause Notice (Xerox copy).

W-4/16-8-80 : Dismissal Order (Xerox copy).

W-5/3-10-80 : Appeal preferred by the Workman against the dismissal Order (Xerox copy).

W-6/7-5-81 : Order of Appellate Authority (Xerox copy).

W 7/19-2-75 : Show Cause notice issued to the workman (copy).

W-8/19-6-75 : Explanation by the Workman to Ex. W-7, (copy).

W 9/ : Proceedings of the Enquiry Officer (Xerox copy).

For Management :

Ex. M.1/12-11-79 : Show Cause Notice issued to the Workman (Xerox copy).

M-2/21-3-84 : Order of the Assistant Commissioner of Labour, Madras (Appellate Authority) (Xerox copy).

M-3/18-6-87 : Order of the High Court, Madras in W.P. No. 3409/87 (Xerox copy).

नई दिल्ली, 13 नवम्बर, 1995

का.घा. 3110- कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारत के राजपत्र प्रकाशन भाग-II, खण्ड 3 (ii) में दिनांक 8 जून, 1995 को प्रकाशित आदेश सरकार, अधिनियम को घोषित करने में, का.घा. 509 (अ) दिनांक 8 जून, में निम्नलिखित संशोधन करती है :

उक्त अधिनियम में "इस उद्देश्य हेतु केन्द्र सरकार द्वारा मान्यता प्राप्त नियोजकों के संगठनों के परामर्श से धारा 4 के खण्ड (अ) के अन्तर्गत केन्द्र सरकार द्वारा नियुक्त" शीर्षक के तहत क्रम संख्या 32 के नाम से निम्नलिखित प्रविष्टि रखी जाएगी अर्थात् :-

“श्री के.एस. कौल,  
निदेशक (तकनीकी),  
नेशनल टेक्स्टाइल कॉर्पोरेशन लि.,  
स्कोप कॉम्प्लेक्स, कोर 4,  
7-लोधी रोड,  
नई दिल्ली-110003

[सं. यू-16012/2/95-एस.एस. I]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 13th November, 1995

S.O. 3110.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour No. S.O. 509(E), dated the 8th June, 1995 published in the Gazette of India, Extraordinary Part II, Section 3(ii) dated the 8th June, 1995, namely :

In the said notification under the heading "Appointed by the Central Government under clause (f) of Section 4 in consultation with the organisations of employers recognised by the Central Government for the purpose" for the entries against Serial No. 32, the following entries shall be substituted namely:—

"Shri K. L. Koul,  
Director (Technical),  
National Textile Corporation Limited,  
Scope Complex, Core IV,  
7-Lodhi Road New Delhi-110003.

[No. U-16012/2/95-SS.I]

J. P. SHUKLA, Under Secy.